WAS BUSH'S ADMINISTRATION MORE P.C. THAN CLINTON'S?

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THE NEW REPUBLIC

In thirty-one years on the Supreme Court, Byron White hardly had an original idea. And he never mustered a constitutional vision. If Clinton cares about his legal legacy, he needs more than another benchwarmer.

How not to pick the next Justice

BY JEFFREY ROSEN

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CORRESPONDENCE

The Cage of fashion

To the editors:

Clearly the totalizing and imperial "we" who have given up "the totalizing dream" does not include the authorial stance of Richard Taruskin ("No Ear for Music," March 15). He has, in a kind of unwitting caricature of totalizing logics, hermetically signed, sealed and delivered every aspect of John Cage's work—known, unknown and perplexing to his constricted gaze—under what must be one of the most frivolous, least useful critical rubrics of "all time": *scary goy*. By identifying Cage's aesthetic with Kantian and Hegelian systematic philosophy, by denying its postmodern eclecticism and its complex, *humanistic* humor, Taruskin enjoys self-licensure in niggling out what he takes to be significant internal contradictions and telling examples of Cage's inappropriate behavior. This with a hip, diatribal, "gotcha" tone. (Gotcha!—you only audited those classes with Schoenberg. Gotcha!—you didn't appreciate composers who "worshiped" you.) In this self-fulfilling dis-logic, Taruskin contributes little to the rich conversation that is beginning about Cage's aesthetic: not to apply simplistic good/evil, either/or tags, but to evaluate an enormous and varied life work particularly relevant to late twentieth-century experiences and theories of complexity and chaos.

JOAN RETALLACK
Chevy Chase, Maryland

T.B. continued

To the editors:

Jerome Groopman's advocacy of quarantining some T.B.-infected individuals is misguided ("T.B. or Not T.B.," March 8). Directly observed therapy (DOT), which Groopman dismisses as "daunting," is the standard approach to therapy in many countries, most of them far poorer than the U.S. At Bellevue Hospital in New York City, which provides care to more T.B. patients than any other hospital in the country, we have recently instituted a DOT program that is meeting with great success. The program provides personal attention, social services and incentives, and it is linked to the city's Department of Health. Patient acceptance of and compliance with the program is excellent, and the program is far less costly than quarantine. Significantly, it allows the patients to retain their freedom. After all, they are *patients*, not criminals. Surely there are recalcitrant individuals who despite our best efforts will require quarantine. However, this should be a last resort, not a first principle, in caring for patients with T.B.

NEIL SCHLUGER, M.D.
Director, Bellevue Chest Clinic
New York, New York

To the editors:

Tuberculosis is not "highly contagious" except to persons whose immunologic defenses are impaired by AIDS, alcoholism, malnutrition or chemotherapy. Fear of spread to the rest of the population has been fostered by the recent flare-up of tuberculosis in New York and a few other cities. Elsewhere in the United States, tuberculosis continues to decline. Philadelphia, which had 1,104 deaths from T.B. in 1945, had only eight deaths from the disease in 1992, five of which were associated with AIDS. Baltimore had four T.B. deaths, one associated with AIDS. National panic about recrudescence of tuberculosis is unwarranted.

HAROLD L. ISRAEL, M.D., M.P.H.
Thomas Jefferson University
Jefferson Medical College
Philadelphia, Pennsylvania

American frailties

To the editors:

John B. Judis's article "The Jobless Recovery" (March 15) correctly identified the expanding labor-saving computer technology as the main reason why there are no job gains in this recovering economy. But he did not explore the real reason for this. After all, Japan has been computerizing more rapidly than America and has not seen such a job disappearance act. May I suggest a few reasons for the phenomenon here: computers are not quota-affirmative action controlled; they don't show up for work with an attitude, and they do show up; they may play with the mind, but not with the opposite sex; they don't need family leave, sick leave, health insurance, vacations, Social Security contributions or raises; they don't need mandatory rehabilitation for alcoholism, drug addiction, cross-dressing, manic-depression or kleptomania; they don't steal or waste a company's time.

DONALD DAVITT
Prescott, Arizona

Intolerant path

To the editors:

This embassy did not comment on Gustavo Gorriti's article "The Unshining Path" (February 8) since it regarded it as essentially a personal attack unsupported by any solid evidence or arguments in favor of the conspiratorial theory he weaves therein. Nevertheless, I have been surprised, to say the least, by the treatment given to a Peruvian citizen who differs from the opinions expressed by Gorriti (Correspondence, March 15). Gorriti's comments on Jorge Seoane Morla's letter would seem to imply a lack of tolerance for dialogue, and his criticisms, by their crudity and intransigence, are clear instances of what is generally regarded as "character assassination."

I believe that the free flow of ideas is a basic element of the democratic system, and its rejection would seem to fall precisely in the category of practices Gorriti vehemently criticizes.

RICARDO V. LUNA
Ambassador of Peru
Washington, D.C.

Terminal discrimination

To the editors:

What I find most interesting about Robert Bazell's "Growth Industry" (March 15) is his willingness to criticize the cost and effectiveness of cancer treatments while ignoring the same issues in connection with AIDS. This discriminatory approach is also rampant in our political system.

In 1992 the State of Oregon proposed to fund expanded access to health care for the uninsured through a Medicaid waiver that would ration specified services—a plan mentioned positively by Bill Clinton during his campaign and in presidential debates. The initial list of services excluded from coverage under this system inflamed both AIDS and cancer interests. Medical therapy for end-stage HIV disease was excluded, as was cancer chemotherapy for persons with less than a 10 percent chance of five-year survival. When a revised list of excluded services was issued, the exclusion for the HIV treatment was deleted. But the cancer chemotherapy provision was retained (though in a slightly revised form). Whether these disparate results flow from intimidation by the effective advocacy of people with AIDS or from greater concern for their plight is unclear. But the vastly greater number of people who have cancer have not been able to stimulate comparable public interest or compassion.

Before journalists or politicians take easy shots at the cost or effectiveness of cancer therapies that are still being developed, they should question whether their approach would be the same if the subject were AIDS. From a

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purely self-interested perspective, they should remember that we all are at risk for cancer, with one of every three of us projected to be diagnosed with the disease, and one in four of us will die from it.

The admittedly unsatisfactory treatments of today represent sometimes marginal hope for individual patients but much greater hope for a future cure. People with cancer, no less than people with AIDS, deserve the chance to participate in this process.

ELLEN L. STOVALL
National Coalition for Cancer Survivorship
Silver Spring, Maryland

Embarrassment

To the editors:

Dr. D.L. Forston's reckless and irresponsible letter is appalling to trained psychiatrists (Correspondence, March 15). Not only is homosexuality not a "Personality Disorder," as per the *Diagnostic and Statistical Manual of Mental Disorders*, the general psychiatric community most assuredly does not consider homosexuality to be a mental disturbance of any kind. In fact the American Psychiatric Association removed homosexuality as a psychiatric disorder twenty years ago. No controlled studies substantiate Forston's assumption that gay and lesbian men and women suffer from more "depression, mental illness and substance abuse" than the general population. It is such discrimination that often results in feelings of isolation, self-deprecation, anger and despair. The damage inflicted by Forston's prejudiced and unfounded views reaches far beyond his own patients. As a physician, he is held as a model for ethical and humane treatment of others. He is an embarrassment to the medical community.

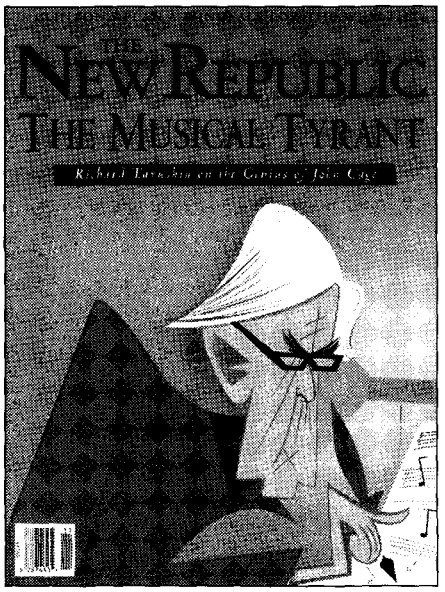
RUTH HERMAN STEINMAN, M.D.
DAVID STEINMAN, M.D.
Philadelphia, Pennsylvania

Foucault and Nietzsche

To the editors:

Alexander Nehamas mars an otherwise thoughtful review of Michel Foucault's biographers ("Subject and Abject," February 15) by misunderstanding Foucault's relation to Nietzsche. Describing Foucault's ideas on reason as "a vision in which everything is paid for"—that to create knowledge is to create an oppressive power relationship—Nehamas goes on to quote Nietzsche: "Reason, seriousness ... how dearly they have been bought! how much blood and cruelty lie at the bottom of all 'good things'!" Out of context, Nietzsche might indeed appear to agree with Foucault. The very opposite is true. He states his position clearly in *The Dawn*: "There is no really more important theme than the primordial tragedy of the martyrs *who wanted to drain the swamps.*"

Nietzsche is of course describing the cruelty of the community toward those individuals who would advance human knowledge and reason—the church's oppression of Galileo. It is the community that preserves all the xenophobia of the stone age clan, "when suffering was a virtue, cruelty a virtue, dissimulation a virtue, revenge a virtue, the slander of reason a virtue ... madness divine, change immoral and pregnant with disaster."



This is a far cry from Foucault's position that "popular justice" be dispensed by the mob without even the trappings of a Maoist "people's court." Foucault's relation to Nietzsche is no more complicated than that of the Nazi deconstructionist Richard Oehler: a clever crypto-totalitarian twisting scattered passages and insight to fit his own ideology.

BILL HARDIGG
Annandale, Virginia

Sacred Band

To the editors:

In Mickey Kaus's discussion of the ban on gays in the military, which he opposes (TRB, "Unusual Suspects," February 22), he gives a justification for the ban: "For a variety of reasons, soldiers fight better when they aren't physically attracted to each other." Not so. One of the fiercest fighting forces in history was the elite "Sacred Band" of Thebes, composed entirely of paired male lovers. Armies of other Greek city-states routinely included male couples. It was generally accepted then that a soldier would fight better if his lover was also in danger.

SONDRA GORDON
Houston, Texas

Wow and flutter

To the editors:

Jim Henley's guide to the joys of compu-shopping ("No Save Get," March 22) only proves the more things change.... In the early '60s, while Steve Jobs and Bill Gates were still in grammar school, the real action was in the arcane magic of high fidelity. Ancestors of today's techno-nerds would seek the holy grail not in attaining ultimate processing speed and power, but in "components"—the ecstasies of absolute sound and high-dB clarity and reproduction. Those of us of a certain age and temperament can fondly remember "50 watts per channel into 4 ohms, 70 watts into 8 ohms, frequency response 18-20,000 cps, with high-end rollover at 17,000 cps, tracking weight 0.2 grams, dynamic range 98 dB, signal-to-noise ratio 100 dB," and the every popular "hysteresis/synchronous motor drive." Those were the specs that set our blood racing. And the existential beauty of the parade of numbers back then was not in power and speed, but in the glorious sounds they produced—an aural depth and purity to Beethoven that was truly awesome for its time, or a bell-like Miles Davis solo that put you in the same musical space. I'll take that over running a spreadsheet or balancing my overdrawn checkbook. Even at .0001 nanosecond.

But what Henley's article really illustrates is the home-grown genius of the computer sales biz. Learning from the techie copy ad past, canny marketers have expertly melded the bells-and-whistles planned obsolescence strategy of Detroit with the hot sexiness of hi-fi components and muscle auto performance specs to produce an amazing profit machine. It's not for nothing that the ad copy for IBM's Think Pad laptop reads like the one for the new WhoopieMobile SXR in your driveway. Having been that route before, I'm waiting for a better price before I buy a new 286 machine. Yesterday, though, I saw an ad for a new 150-RMS per channel home theater receiver, signal to noise ratio 120dB!, F.M. sensitivity 12.2 dBf, and a 0.08 percent wow and flutter. *Now* you're talking wow and flutter. But I'll wait for the sales.

MARK SCHAFFER
Rockville, Maryland

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FROM WASHINGTON

Roe to ruin

During the 1992 campaign, Bill Clinton promised that "any judge I appoint would have an expansive view of the right to privacy and a woman's right to choose." It was predictable, then, that the prospect of Clinton's first Supreme Court nomination would trigger a lot of huffing about judicial "litmus tests." Republican Senator Charles Grassley, for example, quickly announced his "hope that President Clinton will ... avoid ideological litmus tests." Bob Dole said a "litmus-test liberal" would run into trouble.

At a press conference, Clinton seized the opportunity to clarify his position. "I will not ask any potential Supreme Court nominee how he or she would vote in any particular case," he pledged. Then he announced ... well, he announced a litmus test. "I will endeavor to appoint someone who has an attachment to, a belief in a strong and broad constitutional right to privacy." Clinton had already made it clear that his "broad" right includes *Roe* v. *Wade*'s right to an abortion.

What's wrong with that? Political denunciations of "litmus tests" are almost invariably hypocritical. Pro-choicers complained in 1981 when anti-abortionists tried to pin down prospective justice Sandra Day O'Connor on *Roe*. Republicans even wrote an anti-abortion litmus test for judicial appointees into their party platform. Then, everybody switched positions. Since at least the 1987 Bork nomination, it has been pro-choicers who've tried to extract nominees' views on *Roe*, the better to make support for that decision the price of confirmation. And it's Republicans like Grassley who complain piously about litmus tests.

Nor is hypocrisy, in this case, the usual tribute of vice to virtue. Some constitutional issues, surely, are important enough to yield threshold tests of acceptability. Clinton said he would never appoint a justice who didn't believe in the First Amendment, and I hope he keeps that promise. Similarly, I should hope no president would appoint someone who thought race segregation was constitutional. It might be argued that these are legitimate litmus tests only because they concern issues that are no longer disputed. On abortion, in contrast, the Court is split 5-4. If we let Clinton appoint an openly pro-*Roe* justice, won't that, in effect, allow Clinton to decide the next abortion case?

Yes, it will. Elections make a difference. But the Constitution has plenty of safeguards to prevent even a litmus-happy president from controlling the Court. There are nine justices, after all. A single president almost never gets to name five of them. Those he or she does name must be approved by the Senate. Even if a president were tacky enough to extract a promise to vote a particular way on a particular issue, the life tenure of judges would make the promise unenforceable. These structural protections, not the hypocritical anti-litmus etiquette, are what secure the independence of our judiciary.

The problem isn't that Clinton has a litmus test, or that it concerns *Roe*. If you're looking for a way to uncover a judge's constitutional philosophy, there is no better decision to ask about. The problem is that, even if you are pro-choice (as I am), Clinton has the appropriate litmus test exactly backward. *Roe* is the pre-eminent modern example of judicial overreaching. For both principled and practical reasons, Clinton should pick someone who rejects it.

How bad is *Roe*? Clarence Thomas was ridiculed for saying he'd made it through law school without forming an opinion about the case. Well, I confess that I passed through law school without even *reading Roe*. So it was with fresh, Thomas-like curiosity that I recently plowed through Justice Harry Blackmun's majority opinion. The opinion isn't deficient because it is unscholarly (it gives us great detail on the views of "Soranos, often described as the greatest of the ancient gynecologists") or because the constitutional arguments are unconvincing. The arguments are, rather, *nonexistent*. Blackmun simply asserts that the "right of privacy ... is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." This right is then (again, in conclusory fashion) held to trump the state's interest in protecting "potential life," at least until the point at which the fetus can live outside the womb.

Small wonder, then, that many defenders of abortion rights have junked Blackmun's rationale. The real issue, writes Harvard law professor Laurence Tribe, is "not privacy but autonomy ... of control over one's body and reproductive destiny." (Does this mean Tribe flunks Clinton's privacy-based litmus test?) In last year's *Casey* case, the three Republican-appointed justices whose votes preserved the right to an abortion also abandoned *Roe*'s strained "privacy" rationale, talking instead about general "*constitutional protection [for] personal* decisions relating to marriage, procreation, contraception, family relationships, child rearing and education."

There's nothing wrong with protecting "autonomy," or marriage. It's just that, as pro-choice/anti-*Roe* scholars such as John Hart Ely have noted, these "rights" don't happen to be mentioned in the Constitution. ("Privacy" isn't explicitly mentioned either, for that matter.) If judges are free to keep dreaming up new rights, pretty soon little will be left for the voters to decide. One thing the Constitution *does* mention is democracy.

Contempt for democracy, in fact, practically oozes from the writings of some defenders of abortion rights. Tribe, for example, concedes that the fetus, as well as the mother, has a "fundamental" interest. But precisely because what is at stake are two "rights," and "not merely a policy choice," Tribe thinks the courts, not the voters, must decide. "One certainly cannot justify relegating the controversy to legislative tie-breakers in fifty statehouses by the utterly jejune observation that the issue is destined to be difficult and divisive." Resolution by legislatures, claims Tribe, is "the least legitimate alternative."

At the risk of being utterly jejune, let me observe that leaving the abortion question to be resolved by democratic means doesn't mean it must be delegated to fifty states. The issue can be resolved, nationwide, by the Freedom of Choice Act before Congress. Also, it is a crabbed view of democracy that says citizens can only decide unimportant things ("policy choices") but never important things ("fundamental conflicts").

For political reasons, Clinton, especially, should be wary of appointing judges who are comfortable with *Roe*. The problem isn't so much abortion—that issue will soon be more or less settled. But what new round of *Roe*-like attempts to short-circuit democracy might the justices undertake? Clinton's party has only just barely recovered from the last round—from the populist rebellion against defendants' rights and court-imposed busing. Judgeships are hardly a bone Clinton can safely throw to the Democrats' left wing, not if the result is to resurrect the issue of judicial elitism. And on that issue, *Roe* is the litmus test.

MICKEY KAUS

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THE NEW REPUBLIC

APRIL 12, 1993

THE CONTINUING CRISIS

The breathlessness with which the American government and media are now observing events in Moscow is only half-warranted. We do indeed have only a month before the legitimacy of Boris Yeltsin's liberalization is tested in a plebiscite; and the machinations of the Communist parliament and supreme court are rich material for panic. It also flatters those who miss the high drama of the cold war to play games about "losing" or "gaining" Russia and to treat each passing moment with the seriousness of an apocalypse.

The truth, however, is less dramatic and more hopeful. Russia has been in the grips of a constitutional crisis not simply for the last month, but for the last decade. As the Communist regime sank under the weight of its economic failure and political disintegration, two attempts were made to resurrect it: under Gorbachev and then under the despots of the August coup. Both failed. 1991 saw a new moment, in which the remnants of Soviet power were expunged from Russian politics but the constitutional and institutional husk remained. The total permeation of Russian society by Communist structures ensured that a new order would not emerge quickly. Only the person of Boris Yeltsin was capable of resolving this constitutional ambiguity, by the power of his personality and the legitimacy of his election.

But eventually this was bound to wear thin. Since his moment of glory, Yeltsin, as Martin Malia detailed in these pages (see "Apocalypse Not," TNR, February 22), has had to overhaul Russia's economy, polity and constitution at the same time. In the inevitable resistance, the Communist parliament has turned out to be a sturdy vehicle for obstruction; and its crony court has played an accompanying bit part in the action. But this does not doom the president. It is not clear that the majority necessary for impeachment exists in the Congress of People's Deputies; and even if it did, it would countermand the plebiscite planned for April 25. The parliament, the tired machine of a discredited nomenklatura, has none of the legitimacy of the elected president and no real alternative to his policies. It is merely obstructionist, a whimpering version of the putschists of two years ago.

Likewise, the salience of the survival of Boris Yeltsin should be seen for what it is. He is not, as some commentators have lapsed into observing, synonymous with democracy. He is rather a tenacious advocate of liberalization, the process of reform that is gradually restoring market relations to the Russian economy, constitutional propriety to the Russian polity and rational self-interest to Russian foreign relations. It may well be that, in order to keep this process moving, and to ensure its stability, Yeltsin will assume powers no Westerner would view with equanimity. When he does so, it will no doubt be an occasion for another spasm of anxiety about the pace of reform and the genuineness of Russia's democratization. It should be judged, however, solely on its impact on the process of liberalization in which the United States has a pressing interest: Does it advance or slow the marketization of the Russian economy? Does it push forward or back the emergence of a new constitution? Does it make Russian belligerence more or less likely? Jeffersonian democracy is not the standard we should be applying. We will be lucky to get Gaullism. And enlightened Bonapartism may be the most likely option.

So far, Yeltsin's gambit in heightening the contradictions of the Russian polity seems to be paying off. Quite what his special rule consists in is still unclear, and he may have goaded the legislature into insurrection only to foil them. He is likely to win the plebiscite next month, and the greater the sense of crisis the more likely it is that the people will turn to the only strong ruler they have. Yeltsin has also played the West beautifully, securing what looks like the most constructive aid so far offered. Bill Clinton, unlike his obtuse predecessor, has a grasp of the dynamics of the new world order. He should offer assistance now—while it has the maximum chance to bolster Russia's leader. But Clinton should also recognize that this is just the latest in the political crises that have rocked Russia in the last ten years, and not the most pivotal. There will be many more crises to come; and, on current trends, most of them will lead to a progressively more liberal Russia. •

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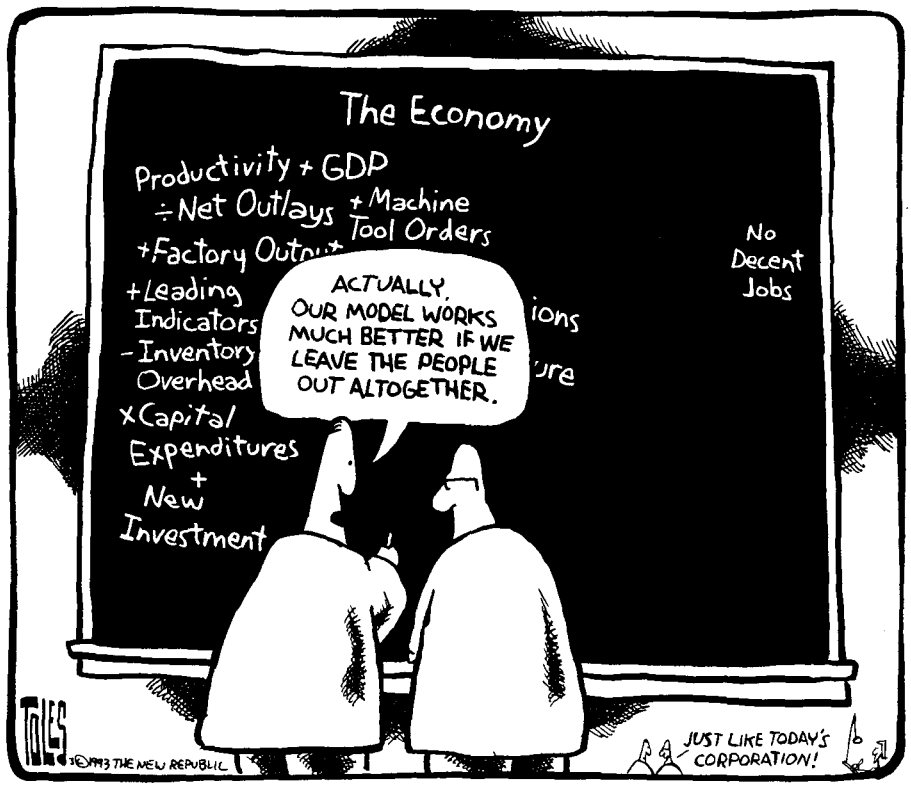
NOTEBOOK

CLINTONISM WATCH: From the beginning, Bill Clinton seemed to regard his pledge to remove the ban on gays in the military as a political liability or a minor matter, rather than as an issue of fundamental civil rights. He deferred the issue as soon as he could after assuming office, attempted to deflect the political heat to his defense secretary and last week seemed to countenance the possibility of segregation in the ranks as a way out of his impasse. But the president should know by now that there is no easy cover on this issue. Unlike the budget, he cannot present an artful compromise and be given the benefit of the doubt. Either discrimination without regard to conduct is wrong or there is no overwhelming reason to amend the military's status quo. Those are the only two options before a president with integrity, and either one will cost him politically. But there are some costs even practiced compromisers should be prepared to pay.



HE'S BAAACK AGAIN: Last Sunday Ross Perot bought a $400,000 half-hour of prime time on NBC to file his familiar complaints about campaign financing, government spending and lobbyists representing foreign interests. As he spoke, the screen flashed subliminal messages like "GOOD PEOPLE. BAD SYSTEM." The true loonyism, however, was in the "ballots" he had published in *TV Guide* (for an additional $300,000), which included deftly worded questions such as: "If our government wants the American people to pay more taxes, should it provide leadership by example—all sacrifice begins at the top—by cutting Congress's and the President's salaries by 10 percent and reducing their retirement plans to bring them in line with those of the American people?" Among the other questions were "Do you feel past international trade agreements have caused loss of jobs in this country?" and "Should we eliminate foreign lobbyists completely—and make it a criminal offense?" Respondents were asked to print their names, addresses and phone numbers. Perot explained this request as necessary "so we can validate your ballots."

HEADLESS TABLOID: Rupert Murdoch, of all people, has emerged as a white knight to save the *New York Post* from closure. Of course, Murdoch owned the paper once before; he was forced to sell it when Senator Edward Kennedy, unhappy about being stung by the *Post*'s Boston counterpart, got his colleague Ernest Hollings to insert an amendment in an unrelated bill to prevent exceptions to an FCC rule prohibiting ownership of a newspaper and T.V. station in the same city. The ostensible reason for the regulation is to ensure diversity of opinion; it's result, in the case of the *Post*, is likely to be the opposite, since few people think the endearing Abe Hirschfeld (see "Spitting Image" by Simon Sebag Montefiore, page 9) can save it from collapse. Murdoch, for whom we have no great fondness, may be able to and is lobbying for an exception to the FCC rule once again. Though the Senate amendment was overturned by the courts, the FCC isn't likely to give Murdoch an exemption unless Kennedy, Hollings and Representative John Dingell, who chairs the House Energy and Commerce Committee, say O.K. They should do so.

D.C. VICE: In the new Disney film *Born Yesterday*, Don Johnson plays a writer for... THE NEW REPUBLIC. And if that seems a long shot, his character in the movie has just written a piece everybody is praising on the "EEC." Frankly, we thought of Johnson as more the type to cover the GATT talks. Melanie Griffith plays Johnson's girlfriend, who is a devoted reader of the magazine. After finishing one of his pieces, she exclaims, "It's the best article I ever read. I didn't understand *one* word." Don, we know the feeling. The screenplay, we are delighted to note, was written by Douglas McGrath, author of the sorely missed Shrub File. •

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A generational lament.

SEVENSOMETHING

By Rick Newman

So you're a post-boomer, and you think you've got problems? You're left scavenging America's squalid economic landscape, looking for crumbs your parents left behind in their hasty plunder? You can't find a decent job because the educational system spit you out undercooked? Sixty-seven channels and no programming to suit your taste?

Well, I hate to distract you from your socioeconomic malaise, but it could be worse. You could be part of *my* generation—the post-post-boomers, the 45 million unfortunate children born since 1981—who have one or more of you baby-busters as older brothers or sisters. It's not enough that we've had to endure putdowns from you, the most dysfunctional and undereducated generation ever. We've also been forced to suffer parents who are convinced our lives are doomed unless Ross Perot becomes president, idiotic toys devised by deluded boomers playing Peter Pan and grandparents whose obsessive protection of their undertaxed Social Security benefits has made them the stingiest senior citizens in history.

National debt got you down? Bitter about getting the bill for the expensive boomer orgies of the '80s? Consider our perspective. Growing up in the dark shadow of the federal budget deficit is like getting a medical exam before facing a firing squad—what's the point? We struggle through our early childhood just to risk our lives amid armed bandits in underfunded schools, indenture ourselves to the robber barons who make college loans, will probably have to perform community service for our pains—and then inherit not just the bills of the boomers but the failures of you busters too. Let's face it: as the most victimized generation since Cain and Abel, you're not exactly falling over yourselves to reduce the boomers' deficit or heed the boomer president who calls for sacrifice, even though you see him on MTV every now and then. What you really want to do is get our parents to write you a note excusing you from doing anything about the deficit, on account of nobody ever *telling* you you'd have to do anything about it. Then you can let us after-busters worry about it, and go back to reading comic books in the basement, where you live rent-free. We, meanwhile, won't have the same opportunity to pass the buck when it lands on our desk, since you busters seem totally unwilling to procreate and provide a new generation of saps.

At least you busters had the luxury of a relatively carefree childhood, when our boomer parents were raking it in and buying you motorized Big Wheels and remote-control boats. Now that our folks have lost 25 percent of the value of their house and dad's about to get downsized out of his middle-management job, it's back to stiff action figures and Tonka trucks for us. Did you ever think to take good care of your own snazzy playthings so that we could have them once you got too big? Nooooo. You probably figured—back when you were boomer-wannabes—that there'd always be more where that came from.

The products marketed to our generation are just as insulting. Our sports heroes make us think that if we ever want to slam dunk and score touchdowns, we have to make our parents buy us $120 sneakers with air pumps, gas springs and LED readouts. These sneakers were not designed for us (although we do like the day-glo colors); they were designed by boomers for *themselves*, as they got in touch with their inner children. So what, you might say—if your parents are willing to spend their money, what's the big deal? The big deal is just that—a Big Deal, in which parents, for their $120, get from us sworn commitments to do every odious household chore until we leave home (they've learned something, at least, from you busters). Our friends get roped in too. Helping us clean out the garage is the price of just coming over these days. And another thing . . .

RICK NEWMAN is a reporter-researcher at *U.S. News and World Report.*

NEW YORK POSTCARD

SPITTING IMAGE

By Simon Sebag Montefiore

"How is a fish caught?" asks the wrinkled, rumpled, 73-year-old eccentric in a guttural Polish-Israeli-New York accent. I am sitting in Abe Hirschfeld's palatial but desolate office overlooking the swirling East River in the besieged sixth-floor suite at the *New York Post.*

"A fish?" I answer. Fishing seems a strange subject for a man whose own newspaper is not only in revolt against him but has actually devoted a whole issue—bannered by a picture of its hallowed founder, Alexander Hamilton, weeping—to attacking its proprietor. The headline: WHO IS THIS NUT?

"Do you fish?" Hirschfeld asks again impatiently.

"No. Do you?"

"Perhaps. Tell me: "WHEN is a fish caught?"

"When you wait long enough," I suggest tentatively.

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"I'll tell you," he says. "When it opens its mouth. The buyer of the *Post* in the streets is the fish and the fish has opened his mouth. Thatz merchandising!" Hirschfeld jumps up and calls out to his secretary, "Bring me MY *Post* issue." He holds up a page bearing the headline: HIRSCHFELD, GET LOST!

"Look! Ten pages on *me*! Since I owned it, the *Post* has sold out faster than in 192 years."

"You like publicity?"

"No. The fishes! Thatz what I like! Business. Thatz merchandising! Now you understand: the readers are the FISH!"

Wearing a baggy, threadbare suit, a garish chessboard tie and black sneakers, Hirschfeld's old face, with its sparkly eyes and hair that seems to grow in the wrong direction round his head, is that of a mischievous self-made man who is clearly in love with his creator. His style is that of an overgrown urchin with the boundless, effervescent chutzpah and childlike naïveté of the successful entrepreneur who makes money but not friends.

His father took him from Poland to Palestine (he claims to have met Chaim Weizmann on the boat), where he became the Palestinian "Metals King." In 1954, after fighting in Israel's War of Independence, he came to New York. He founded the Vertical Club, a chain of health clubs; they made him rich. In the course of this bizarre journey, he befriended Robert Kennedy and Donald Trump; fought with Mario Cuomo; ran a failed race for lieutenant governor; almost sold an apartment to Richard Nixon but relished keeping the $92,500 deposit. His life story, riddled with delusions, is so colorfully surreal that it belongs in a miniseries written by Philip Roth, acted by Jackie Mason, with music by Jerry Bock.

Never in the history of media barons have a rambunctious tabloid and its proprietor been better suited. Until its triumphs last week, the *Post*'s most famous headlines were HEADLESS CORPSE IN TOPLESS BAR and BEST SEX I EVER HAD. Like the tabloid itself, Hirschfeld works in extremes, expressed by his two most familiar gestures: kissing and spitting.

Even as we talk fishing, the *Post*'s renegade journalists are celebrating their revolt on the fourth floor, cavorting maniacally on the leaning deck of their sinking ship.

"But what about the rebellion?" I ask.

"Ugh! It will work out," he shrugs. Sure enough, the Bankruptcy Court ruled on March 19 that Hirschfeld owns the paper, though Pete Hamill, whom he fired, returns as editor.

"What about the insults?"

"I could never have published a paper like this on a normal basis. Thatz brilliant!" He pauses and then asks in Hebrew if I speak that tongue. I do not.

"You're Israeli?" I ask.

"No, I am a Palestinian. There should be peace. I almost created peace in 1974 when I met Arafat. But the fools wouldn't listen to me."

"How did you almost make peace?"

"Rosemary!" he calls out to his secretary. "Bring Mr. Montefiore a copy of my book! Read my book!" The book, it turns out, is his ghost-written, self-published autobiography.

What about his plan to unite the *Post* with the black *Amsterdam News* and the Hispanic *El Diario*?

"I meet *El Diario* at 4! My intent is to unite not divide the people. I'm not a racist! Jews and blacks must kiss! Irish Protestants and Catholics must kiss! *Kiss!*" The man is so singular that "Hirschfeldism" will doubtless go into the language defined as what happens when deluded grandiosity, originality and a lack of inhibition combine to create farcical charm. "Competing in newspapers is like selling hotdogs. I bring in this black newspaper for business."

"So you're not anti-Semitic?"

"Soon, *everyone* will be Jewish."

I ask what he means.

"Answer me this question: Which is more precious, a genuine Picasso painting or a copy?"

"The real thing."

"So in the end, everyone will want to read the original Old Bible, not copies. When they read it, they will become Jews again. Everyone will!"

So what about the *Post*?

"Everybody must begin to kiss. *Kissing*. We only have one planet so we must all *kiss!*" Even the leader of the insurrection, Hamill, received a moist one after the court's decision.

Now about the spitting.

"Mr. Hirschfeld," I ask, "did you spit?"

"There were two spittings," he says matter-of-factly, without the slightest shame. He sees his spittings partly as a sort of public service, partly as proof of his superior marksmanship. In the first case, he claims that a salivary volley fired at a former New York state Assembly speaker, Stanley Steingut, overthrew a corrupt political oligarchy. In the second, he boasts his phlegm directed at *Miami Herald* reporter Bonnie Weston earned him the free publicity of a lifetime.

I ask Mr. Hirschfeld if he has enough money to run the *Post*, which lost $70 million last year.

"I'm richer than $10 million," he says with unusual restraint.

"Is that enough?"

"I always say, if a man can tell you his exact wealth, he's not really rich."

"The great Lord Rothschild said that," I inform him.

"Well, then Rothschild was a better businessman than I thought. Almost as good as Abe Hirschfeld," he adds. In case I doubt his stature, he yells, "Rosemary, bring in The Letters!"

The highlight of The Letters is a handwritten note from Ethel Kennedy in Hyannisport: "I remember Bobby was captivated by you from the start ... the vitality that is America ... he loved that you were smart, funny and always there for him." The package also fea-

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tures Hirschfeld's ten-point political philosophy, "The Theory of Practical Simplicity": certainly simple; hardly practical. Gems include Point No. 2: "Eliminate the deficit without increasing taxes." No. 8: "Dancing in the Park!"

Only one question remains to be asked. "Mr. Hirschfeld, are you crazy?"

"Whatz you say?"

"Are you ... mad? Crazy? Some say you are."

"Whatz this MAD?"

"Crazy. Mad."

"Mad?"

"MAD!" I feel I am going crazy myself.

"MAD? Whatz it?"

"Are you mad? Cuckoo ... insane ... crazy ... NUTS?"

"Agh. Yes. Everybody's a little crazy. Sure, I am a little mad. Thatz where my ideas come from. Thatz how I am rich. I am a Polish peasant: How else would I become American millionaire. If I was not crazy, I'd still be in Palestine. Another Polish peasant like Walesa overthrew communism. Yet Einstein was thrown out of high school! And only sane people are in insane asylums."

As I leave, I hear Abe Hirschfeld shrieking into the phone as a mysterious assistant called Ira tries to restrain him:

"I SAID 15 MILLION DOLLARS AT 9 PERCENT. NO! I DON'T GIVE A DAMN!"

As I reflect on my lucky escape without so much as a wet kiss, it occurs to me that all involved are clearly having the time of their lives.

SIMON SEBAG MONTEFIORE is the author of *King's Parade* (Penguin).

WHITE HOUSE WATCH

SCHMOOZATHON

By Fred Barnes

Presidents have often acted as their own secretary of state (Bush, Nixon) or White House chief of staff (Carter). But their own congressional lobbyist? No president performed as full-time lobbyist, not even Lyndon Johnson, until Bill Clinton arrived in the Oval Office.

In the run-up to the March 18 votes on his economic program, Clinton left no House Democrat unlobbied. He chatted, face to face, with all 255 of them. As good as Clinton's outside game (speeches, town meetings) was, his inside game was better. Clinton made trips to Capitol Hill to address the freshmen Democrats and later the House Democratic caucus, participate in a whip's meeting and attend a St. Patrick's Day lunch. He met with the sixty-three freshman three times. Each of the thirty-eight black Democrats in the House saw him at least twice. He spent so much time wooing the House that when the votes finally came, he was free to take the night off. Clinton went to the annual dinner of the White House T.V. and radio correspondents. "It took this event to get my staff to really dress up," Clinton said. "It's amazing to see the transformation ... the formal wear, the glamorous hairstyles, the sparkling earrings. And the women looked awfully nice too." Communications director George Stephanopoulos got a special dispensation. "We let George stay up past his bedtime," said Clinton. "But just this once."

As chief lobbyist, Clinton is relentless. The final touch was a personal, hand-delivered letter from the president to every member on the day of the voting. Don't sneer. All this produced a victory of greater magnitude than is generally understood. For nearly three decades Democratic unity has been an oxymoron. Clinton made it a reality, at least in the House. On the two substantive votes, 96 percent of Democrats backed his budget resolution and 91 percent supported his economic stimulus package. "We haven't had numbers like those in years and years," gushed a House official. The White House was ready to punish dissenters, but there weren't many opportunities. Clinton refused to take the phone call of one Democrat desperate to explain his negative vote. And he declined to take Georgia Representative Roy Rowland on Air Force One when he flew to Atlanta on March 19.

Clinton's appeal was supposed to be weakest among new members. Rather than ride his coattails on Election Day, they had run ahead of him. The conventional wisdom pegged them as independent, reform-minded, immune to the Clinton treatment. Forget it. Only one freshman voted against the budget resolution, three against the stimulus. At his first meeting with the freshmen in December, Clinton declared himself one of them. "We are together the class of '92," he said. The pitch worked. On February 24 Representative Eva Clayton of North Carolina, the class president, sent Clinton a letter on behalf of new members. "We are committed to working with you to break the gridlock and set our paths on the course to economic strength and stability," she said.

The freshman most likely to bolt was Tom Barlow of Paducah, Kentucky. One of his first actions upon arriving in Washington was to join the Conservative Democratic Forum, the bane of the liberal House leadership. He seemed to owe Clinton nothing. Except that Clinton had stopped in Paducah for an airport rally with Barlow on election eve. And Barlow had campaigned separately with Hillary Clinton, Al Gore and Tipper Gore. Also, Barlow was impressed with Clinton in private meetings. "The thing that was persuasive was he knew his details. Anyone would want a leader to be that way." So Barlow voted for both the budget resolution and stimulus. He justified the stimulus vote by saying: "Some type of spending is needed as a safety net for the next two years."

Good reason or not, Barlow and others assured the stimulus a comfortable passage (235-190). This is evi-

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dence, I think, of serious and maybe enduring Clinton clout on Capitol Hill. A fiscal stimulus was no sure thing for passage. The economy grew at 4.8 percent in the last quarter of 1992, economic indicators are stronger than they've been in ten years, 365,000 jobs were created in February and so on. Yet Clinton was able to convince nearly all House Democrats to vote for goosing the economy anyway. And he managed this even though the package clashes with his mega-goal of reducing the deficit. That takes good lobbying.

It was needed, too, because opposition to the stimulus threatened—mildly threatened, at any rate—to unravel Clinton's entire economic program. Representatives Charles Stenholm of Texas, Tim Penny of Minnesota and their moderate-to-conservative allies wanted the stimulus slashed by more than half. Liberals went crazy, some vowing to oppose the budget resolution if Clinton caved on the stimulus. He didn't. He stepped up his arguments for it. Speaking to Treasury Department employees on March 18, Clinton said, "The unemployment rate is higher today than it was at the depths of the recession even though we just reported the biggest increase in productivity in twenty years in this country." On March 19, the day after he'd won, he was still at it, insisting in an Atlanta address that the stimulus was needed to keep the United States from having a jobless recovery like "all the wealthier countries in the world."

I've concluded that Clinton really thinks the stimulus package is needed and isn't just a payoff for Democratic constituencies. But there's another reason why he lobbied so vigorously for it: he's decided his presidency will be judged by what he gets through Congress. "George Bush was going to be successful by stopping legislation," says Howard Paster, the White House congressional liaison. "Bill Clinton is going to be successful by passing legislation." A senior White House official is more specific. "Bill Clinton will be successful when he passes an economic program, a health care plan, welfare reform, campaign finance reform, national service. He has an agenda. And if you need to pass things, you need to work with Congress."

From their first strategy session in Little Rock just after the election, Clinton and Paster agreed the Clinton White House would have to engage Congress aggressively. In Clinton's case, this means swarming all over Congress, a one-man blitzkrieg. Clinton can't help himself. Campaigning, seeking approval, is the way he likes to spend his waking hours. And he's effective at it. It's hard for a House member to say no to a president he's gotten to know well, likes and probably talked to within the past week. "He is particularly good with moderate and Southern members," says a White House official.

Hard cases like Penny, a pro-lifer who's passionate about cutting spending, are not beyond his reach. Penny met with Clinton on February 11, along with nineteen other Democrats. "Mr. President, I've got a good news, bad news scenario," he told Clinton. The good news was he'd back the budget resolution. "But I've got a problem with the stimulus package. It runs counter to your whole agenda." Clinton responded that the economy is improving, but jobs aren't and thus should be stimulated. Penny wasn't persuaded, so the president sent Mack McClarty, the White House chief of staff, and budget director Leon Panetta to see him. Penny decided he'd aid Clinton this time, on his first major test in Congress. On March 19 he showed up for a victory breakfast (cold doughnuts, lukewarm coffee) at the White House, and Clinton sought him out. "I'm glad to see you're one of the people here this morning," Clinton said. "Mr. President," Penny replied, "I hope you understand I gave you that vote because I want to be helpful to you." But his vote is anything but automatic, Penny told me. A "special set of circumstances" applied in the case of Clinton's economic program. True, but what if Clinton can create special circumstances every time Congress votes? Don't rule it out. •

Clinton's diversity record—and Bush's.

UNWHITE HOUSE

By Ruth Shalit

"This administration is turning into a walking billboard for a quota society," says Ben Wattenberg of the American Enterprise Institute, who supported Bill Clinton during the campaign. "Everywhere you go, you hear horror stories of people who thought they were going to get jobs and ended up losing out to diversity." With a Democrat in the White House, the specter of "diversity" as a beast with values and a will of its own has haunted Washington. But racial and gender quotas in the White House are not the bequest of kente-swaddled Clintonites. They are, rather, part of George Bush's legacy.

Bush, who supported civil rights during the '60s, was determined to have diversity in his administration. But he couldn't come out and *say* it. "The president was so outspoken in being against any kind of quota that it was pretty much a hush-hush thing," says a former Bush personnel staffer. "But there was a silent understanding."

Bush delegated the issue to a cadre of management-minded underlings. According to Chase Untermeyer, former Bush chief of personnel, diversity benchmarks became "a prime consideration" in determining who got which job under Bush. "The Clintonites are crowing over what they've done," he says. "But they didn't invent the diversity cycle. After the 1988 election, I was under very clear instructions from George Bush to have ever-greater numbers of minorities and women in all levels of the administration. And that is what we achieved."

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It's true that self-imposed diversity standards are clogging the Clinton transition. Cabinet secretaries and agency heads must run high-level picks through a "vetting" gauntlet of race and gender criteria before staffing their departments. But in fact, the Clintonites are no more aggressive in pursuit of minority hires than the Bushies were. "The model we used was one of negotiation and consultation and bargaining with Cabinet secretaries and agency heads," says Untermeyer. "Diversity was the watchword from the beginning in all levels of government."

Untermeyer says some Cabinet secretaries chafed under the mandate to produce "historic numbers" for the president. "There was always tension," he says. "You could feel that in a lot of minority appointments. I'm not going to name names, but I have in mind departments where it happened." All the same, Untermeyer insists no Cabinet secretary or agency head was force-fed appointees. "It was a cooperative process," he says. "They all knew that George Bush wanted women and minorities. Most believed in that and followed the president's desires. They knew that ultimately the White House would have the final say."

Just ask Katja Bullock, a rare Bush holdover in the Clinton personnel office. "She was the keeper of the computer," says Untermeyer. "We had her producing weekly and cumulative stats of the numbers of women and minorities in the presidential appointment ranks." According to Bullock, the Bushies kept a "very thorough paper flow" on all minority appointments. "We asked every appointee what race and ethnicity they were," she says. "Until agencies submitted that information to us, they couldn't even get on the payroll. That's how we were able to track them. It came right to the computer center."

Bullock says her diversity-crunching paid off. "We really had to monitor it closely, because they'd want weekly updates of all the departments," she says. "Bush was just very, very concerned about it. We had statistics coming out of our ears. In the end, his numbers surpassed any other administration." Bullock fears those days of diligence are long gone. "I was the only holdover up to now," she says. "So I sat down with the Clinton people. I brought to their attention the forms that were used. I told them how the process worked. But they aren't doing it." Bullock finds it odd that the Clintonites, despite the claims of neoconservatives like Wattenberg, can't trouble themselves to undertake the most basic tasks of diversity maintenance. Although they are monitoring the composition of ambassadorships and other high-level presidential appointments, "they have no paper flow" on the racial and gender makeup of the political rank-and-file. "We had every single SES [senior executive service] and Schedule C on the computer," Bullock says. "The Clinton people have no clue what the lower-level appointees look like."

According to the Associated Press, they look a lot like Bush's people. Of the first 157 White House staffers and sub-Cabinet appointments, 86 percent are white. That compares to 87 percent under Bush. And nearly two-thirds are male. Since the Clinton White House isn't keeping track of diversity stats itself, the AP interviewed nominees and researched their biographies, then compiled the material into a computer database for analysis. The Clintonites were embarrassed. "The appointment process is ongoing," White House spokeswoman Lorraine Voles protested to the AP. "All the appointments haven't been made." The Clinton personnel office didn't return calls about whether they planned to collect diversity data on their own in the future.

But nothing the Clintonites have implemented so far has been quite as regimented as the Bush plan was. "A position would open up, and you'd send in a proposal saying that so-and-so would be good," says a former Bush aide. "And you'd get an answer back from personnel saying, yes, so-and-so's qualified, but we're frankly looking for a minority. When you had great people, it was very annoying not even to have them considered." Others recall being more amused than annoyed. "I remember back when they were trying to fill up the Fed, we got a frantic call from Michael Boskin's office, saying they needed to find a Midwestern woman for one of the director's spots, and did we know of anyone," remembers a Bush veteran. "But Boskin's people were laughing. They were like, oh Christ, can you believe it, we need some Midwestern woman. So the order must have come from higher up."

Another Bush personnel staffer recalls being asked frequently to search for a minority to fill a particular position. "In some cases it made sense," the staffer says. "In some cases, it looked like they were trying to keep the numbers up." Agencies and commissions were notorious diversity dumps. "There was no Cabinet secretary to haggle with," explains Untermeyer. "So that's where our numbers were highest." Other Bush alums recall the situation less fondly. "In the agencies, [personnel] was just much less constrained," says David McIntosh, head of the president's Council on Competitiveness. "So you'd run into people who were clearly unqualified to do their job. It was unfair to minorities and women who were not completely respected by their peers, even though they were competent, because of the suspicion that they were there on a quota. It did create problems."

Not to mention cognitive dissonance among the Bush ranks. On questions of racial and gender equity, Bush's personnel actions were sharply at odds with his publicly stated agenda. "Bush was talking up the non-quota line on civil rights, but essentially pressing for quotas in interdepartmental disputes inside the White House," says a Justice Department veteran. "There was a definite element of hypocrisy." The vicissitudes of Republican coalition politics kept Untermeyer's labors well out of view. "Chase and Sununu were under instructions from Bush to have more than Reagan," says Ed Rogers, an aide to John Sununu. "We were responding to pressure from the press corps. But much of the goal was just to have our talking points in order, to deflect criticism when it came. Bush was aware of his coalition."

Clinton's self-conscious effort to make his administra-

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tion look "more like America" reflects the intersection of his own progressive instincts with the interest-group politics of his party. But Bush's pre-emptive bean-counting was a purely defensive measure, part of the self-canceling rhetoric of his civil rights strategy. For administration loyalists, this is a point of pride. "Bush didn't need to talk about it," says Untermeyer. "The real mark of success is an absence of attack. Reagan was often accused of not having enough women or minorities. Bush wasn't." Some unemployed Bush alums regard this explanation as too clever by half. "Yeah, right," says one. "Dumbshit, two-term Reagan."

So if Clinton pursues affirmative action openly while Bush did it furtively, what's the big change? "The critical difference that I've seen," says an aide, "is that the process is now very much geared to the homosexual community. There was a special transition task force to reach out to these people. They've found quite a few slots for them." One of these slots may be Katja Bullock's. Her departure date is April 2. •

Foreign aid—reborn.

MR. GREED

By Henry Copeland

Even though the mayor is speaking in Russian, Marc Holtzman periodically nods and furrows his brow. He gazes into the mayor's eyes. During the English translation, the act is repeated. The mayor notes that the Republic of Tatarstan, 600 miles east of Moscow, was conquered by Ivan the Terrible in 1552. He outlines the region's rich oil reserves. He explains the Tatar government's commitment to avoiding the economic chaos sweeping Russia.

Tea is served, pleasantries exchanged. Then Holtzman gets down to business. At the mayor's signal, a curtain retracts to reveal a map of Kazan, a city of 1 million that straddles the Volga river. "Where do you think we should put the hotel?" Holtzman asks. "I want a site near the river."

Holtzman is president of EurAmerica Capital Corporation, a Budapest-based investment bank created last April by the Hungarian American Enterprise Fund, a U.S. government-funded program that promotes free enterprise in Hungary. A slight, bespectacled 32-year-old, Holtzman is in Kazan to discuss, among other things, a site for a "Hotel and Business Complex" EurAmerica proposes to build in partnership with the Tatar authorities.

"You have one-tenth of the population of the world that have nothing and need everything," Holtzman says. "This is probably one of the most impressionable and pivotal times in the history of the world. To be here and to be part of it, not only to be able to experience it, but to have the added benefit of potentially being able to profit from it too, is really close to the biggest thrill I think I can imagine."

Congress created the Hungarian American Enterprise Fund two weeks after the Berlin Wall fell as an alternative to the creaking, rule-riddled bureaucracy of the Agency for International Development, America's traditional conduit for foreign assistance. The Bush administration didn't think that AID was up to the task of encouraging private enterprise in Eastern Europe. Instead of attempting to export capitalism by doling money through aging government handout programs, the administration appointed former investment bankers to run autonomous, non-profit funds that had broad discretion to disburse money, beyond the prying eyes of AID. Congress approved a $60 million Enterprise Fund for Hungary and $240 million for Poland. And recently two new funds were created, for Czechoslovakia and Bulgaria, totaling $115 million. Three additional funds worth a total of $500 million for Russia, the Ukraine and the Baltic states await President Clinton's approval.

Charles Huebner, the Budapest fund's managing director, claims that Enterprise Funds have outperformed anything the government's "bunch of clerks" could have achieved. "They are well intended, but they don't know diddly-squat about the thing," he says. "So the more professional investment-type people you have, the more likely it's going to be well run. You are not going to wind up with Egyptian development centers that nobody lives in, and tennis courts with no players and all this kind of stuff."

What you wind up with instead is fast food. Indeed, with the $47 million Congress has granted it so far, HAEF has made 136 investments worth $40 million, ranging from a $27,000 loan to a pig breeder to a $3 million equity stake in Hungarian Pizza Hut, Kentucky Fried Chicken and Dunkin' Donuts franchises. That deal alone, Huebner claims, "will generate 4,000 to 6,000 jobs in Budapest, which will probably in addition to that generate 4,000 people who will now know how to wash, how not to smell, how to smile, how to be fast." HAEF's profits on deals like this pay its expenses, and what remains is invested in other companies.

And at EurAmerica, HAEF's largest single investment ($4 million), business is also booming. With expenses of less than $1.5 million, the firm expects to gross more than $2 million in its first fifteen months. In that time, EurAmerica will help raise more than $50 million in debt and equity for private enterprises in Eastern Europe.

In order to lure capitalists away from Wall Street, EurAmerica offers Wall Street salaries. HAEF and EurAmerica refuse to discuss salary figures, but Holtzman and CEO Mike Marino, a former Salomon Bros. vice president, make $25,000 and $30,000 a month respectively, according to a source familiar with the

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She said:
"This is my school yearbook, and I've highlighted the names of the people -- kids like me whose parents will lose their jobs because of the spotted owl."

He said:
"What I'm going to try to do is put a group of people together to come out to Washington, Oregon and northern California.

"And see if we can't resolve it.

"So we can keep the largest number of people working and still preserve the forest."

She is Elizabeth Bailey, a 6th grader from the town of Hayfork in northern California. He is the President of the United States. They met on ABC-TV's Kids Town Meeting. To the people of the Pacific Northwest, the President's sensitivity to our severe economic problems is most welcome. A vital national industry is at a virtual standstill due to endless lawsuits. The President has called for a Forest Summit on April 2, to break this gridlock. Here in the Northwest we're ready for that breakthrough. People have suffered long enough. The time for just talking is over.

FOREST SUMMIT

THE OREGON LANDS COALITION

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organization. The 1993 portion of these salaries was prepaid in December, enabling EurAmerica's partners to avoid higher Clinton taxes. Holtzman rationalizes, "Obviously there is sensitivity when there is public funds. But this is not public funding, as much as it's investment, and if the investment is generating return, then the shareholder should be happy to see the company management incentivized."

There are further incentives to make the business work. Although EurAmerica was underwritten by the U.S. government, it is a private company; Holtzman and his partners will eventually purchase half of EurAmerica using profits the firm generates. And to ensure that Holtzman and his partners continue to hustle, HAEF structured EurAmerica so that next year's salaries will be cut in half if the firm is not profitable this year. Andrew Kostyo, a senior associate at HAEF, concludes, "The worst dollar spent by EurAmerica is better than the best dollar spent at AID."

That may be so, but such singular devotion to profits has its costs. As HAEF's investment banking subsidiary, EurAmerica was created to handle transactions too small for Western banks but beyond the skills of HAEF's other staff. But with money as their overriding concern, EurAmerica's partners have had no interest in the small transactions for HAEF that other firms pass up. HAEF's political goals hold little sway with EurAmerica, which has more businesslike visions of its future. "Five years from now, I'd like to see EurAmerica be the largest global emerging markets investment bank in the world," Holtzman says. "I'd like to be in Mexico City, China, Vietnam, all over Central and Eastern Europe, Moscow, all over the CIS." Deals in Mexico and the Bahamas are imminent.

As are the deals in Tatarstan. After hiring EurAmerica last spring, President Mintimeir Shaimiev's first request was for help arranging a boondoggle to the United States. The Tatars had petrodollars to burn. Holtzman, eager to please his new client, launched him and twenty-four aides on "an unbelievably impressive schedule." Shaimiev had his picture taken sitting on a leather couch beside Henry Kissinger and another while getting a massage in a six-speed chaise longue at a Sharper Image store. The trip's one moment of disappointment came when Shaimiev discovered that the "secretary of interior" he was keen to meet was not the chief of the yankee KGB, but head of the National Parks.

Not all of EurAmerica's employees share the company's enthusiasm for courting wealthy post-Communist pols. Mike Ross, who is slated to run EurAmerica's office in Kazan, is already skeptical about Shaimiev and his regime. "The only language this guy speaks is George Washington, a.k.a. dollar bill. Whatever George says, Shaimiev says. 'You want a democrat? Helloooo, I'm a democrat.'" But Marc Holtzman couldn't be more pleased.

HENRY COPELAND is a free-lance journalist living in Budapest.

Who still cares about Central America?

ADIÓS AMIGOS

By Arturo Cruz Jr. and Consuelo Cruz Sequeira

The present position of the United States vis-à-vis Central America bears a disturbing resemblance to the relationship of the 1930s. Back then, a series of Republican presidents—Taft, Harding, Coolidge and Hoover—had spent American blood, money, emotion and time on Nicaragua, and even paid it the compliment of making institution-building their avowed task. Democratic institutions were supposed to transcend the feuds between camps and caudillos that plagued the region. In an effort to teach good government and good management, the Marines took control of the customs house, railroad and national bank. They also tried to put in place a working electoral mechanism and created a bipartisan National Guard to supervise elections.

By the time the U.S. economy began its descent into the Great Depression, however, Nicaragua was still a banana republic, and twenty years of involvement in such a little country seemed an eternity. Democrats and Republicans pronounced Nicaragua irredeemable. FDR found a simple way to disengage—he embraced the old American truism that "good fences make good neighbors." If a serviceable dictator emerged in Nicaragua, we would be satisfied. The Good Neighbor Policy was the milk of dictators.

Once again, in the 1990s, after much cost and travail, the United States has little to show for its expensive, intensive involvement in Nicaragua. President Bush, like Hoover and Roosevelt, arrived in the Oval Office looking for ways to forget about the country. Four years later the inclination to forget is only stronger. Democrats and Republicans are tempted to turn a blind eye to the fact that in Central America the same families and elites perpetuate antiquated arrangements and engage in corruption. In Nicaragua, where the experience of free elections is still in memory, the United States seems on the verge of settling for a strongman in a military uniform—General Humberto Ortega. In Guatemala, too, the army is once again calling the shots.

It's hardly surprising that the focus on Central America has diminished since the 1980s. The United States is in a somber mood and embroiled in a fiscal crisis. The resources available for foreign aid in general, and Central America in particular, are shrinking. Moreover, an old argument is back in vogue: Congress and the media have given the "little countries" too much money, time and energy. The Soviet Union has dissolved, removing

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the geopolitical threat that once seemed so ominous. The Latin American countries likely to figure prominently on the new U.S. foreign policy agenda are the "real" ones—trading partners such as Mexico, Argentina, Chile and Brazil.

But as the temptation to disengage from Central America grows, the sociopolitical conditions that led to the region's crisis in the 1980s continue to worsen. Most of the Central American economies are stagnant, yet an expanding urban population exerts pressure on transportation, education, health services, housing and employment. At the same time, the quality of rural life is neglected by governments that feel compelled to respond to the mobilized power of urban consumers: university students, public employees, the military and politicians. There's also a dearth of human capital, since most who had a skill to sell abroad emigrated to escape hostilities. Migrant flows carried away accountants, mechanics, physicians, engineers, schoolteachers, carpenters, large and small entrepreneurs, masons and farmers. And Central America once again faces the cyclical crisis that has haunted it for four centuries: drastic falls in the world price of its "motor" crops such as cotton and coffee.

Beyond its daunting economic dilemmas, the region has yet to overcome its long-standing failure to institutionalize democracy. To be sure, elections are more regular and fair than in the past, but most democratic institutions remain hollow. The bureaucracy is shamelessly corrupt; armies—the self-appointed arbiters of politics—absorb a large share of national resources. Violations of human rights, particularly in Guatemala and Nicaragua, remain all too common.

Given the pressing problems that now impend upon the region, the case for constructive engagement in Central America is stronger than ever. The irony is, it's also more feasible. Democrats and Republicans now can agree on democracy as their foreign policy goal without accepting the need to compromise it so often, as they did during the cold war. Moreover, the declining amount of money reserved for Central American aid could actually work in favor of democracy if it forced U.S. policymakers and legislators to examine more rigorously what they are spending and how they are spending it. A leaner budget does not necessarily mean a less effective program. We do not need to repeat the mistake of the 1930s if we target the assistance we give Central America.

First on the list of priorities should be primary education. Grade school is where impoverished children learn not only to read and write but also the fundamentals of hygiene and civic culture. Second should be rural development, to slowdown the migration from countryside to city. One dollar spent on a rural project is of greater use than one dollar spent in the city. Digging a well for potable water in the Guatemalan highlands, for example, is cheaper and has a larger impact on beneficiaries than paving a block in Guatemala City. A third priority might be the development of a skilled labor force. The United States could help by creating a Senior Peace Corps, made up of retired Americans willing to spend a year or two in Central America training workers and small farmers, who can be quite productive, given the appropriate technical advice.

The incalculable value of professional experience is illustrated by the case of a German mechanic who now lives in San Salvador, where he built his own shop from scratch and has single-handedly infused his barrio with hope by training young men in electronics and mechanics. Hope has a diffuse effect. The culture of plunder, which subverts Central American democracy from the bottom up, thrives at extremes, among the dissolute and the desperate. In Nicaragua, for example, the desperate have turned to the natural environment. They raid the jungles and mountains for specimens of exotic fauna—monkeys, plumed birds—which foreign visitors buy not for pity of the peddlers but for pity of the animals.

The alternative to more tightly budgeted and practically focused foreign aid is the old system: release of American money without much thought or care. Economic support funds are a case in point. ESFs can be used to support structural adjustment programs and promote macroeconomic stability. Their terms are flexible. But ESFs also allow borrowing governments pernicious freedoms. Officials feel at liberty to steal because they know urban interests will not demand probity—these groups have been coopted through the use of ESFs to finance imported consumer goods. This urban compromise of corruption and consumption often harms the countryside, whose inhabitants are poorly organized, and has the additional deleterious effect of fomenting an unstable pattern of growth based on consumption and imports.

ESFs also allow governments to postpone difficult but necessary decisions, such as the creation of an *effective* tax system and the implementation of incentive policies for domestic savings. Finally, ESFs spare governments the classic trade-offs that even industrialized democracies must face: schools or armies, guns or butter. In short, excessive generosity can work against democratization and demilitarization—two fundamental objectives of U.S. policy in Central America.

If the United States is to put its foreign aid in order, it must change its definition of "assistance." American policy-makers often make the assumption that foreigners welcome U.S. dollars yet resent U.S. citizens. In Central America it's just the opposite: people in need don't trust their central governments to handle foreign aid. They would prefer the chance to learn from Americans, particularly if they are older professionals worthy of respect.

Americans must also redefine their idea of foreign-assistance "success," a term that in the Central American context they have equated until now with nothing less than the end of underdevelopment. A goal so ambitious makes everyone despair. Dramatic change often

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brings about lasting dislocations and ephemeral gains. Instead, we should seek incremental systemic transformation. The United States, for example, should support democratic institutions that *do* have a history in the region, namely, strong municipal governments and an independent judiciary. These institutions provided a counterbalance to the executive through the long colonial centuries, when there was no congress or parliament. And in the post-independence period, while congresses have oscillated between rubber-stamping executive decrees and leading unconstitutional revolts, municipal politics has been a limited but real arena for democratic participation. Given moral support, technical advice and funds (it doesn't take much), municipalities can thrive again. As for the judiciary, the United States can help at low cost, forming, for example, a consortium of foreign donors to pay for court buildings, salaries and equipment.

The United States has followed a sad pattern in Central America. It intervenes when the issues are intractable and when the country is divided about them. But when the issues can be dealt with and there is a consensus about what to do, Washington loses interest. Once again, the country seems exhausted and impatient, even though it is on the verge of a much greater success in Central America. If the United States lets these feelings draw its attention away, it will have betrayed itself, violating its own defining tenet, which says that human vices and virtues are universal; that only systems vary.

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Ethnic cleansing—in Burma.

ASIA'S BOSNIA

By Susan Blaustein

As masters in the art of ethnic cleansing, Bosnian Serbs have rivals. Further away, sealed off from the international media and protected by a phalanx of regional appeasers, Burma's ruling junta has been conducting ethnic warfare—replete with mass murders, relocations and rapes—that provides a steely Eastern counterpart to Milosevic's rampage. For years the West has known this. But startling new documentation came in late February in a fifty-page report from the United Nations Commission on Human Rights. It details the activities of the ruling State Law and Order Restoration Council (SLORC), which came to power in 1988 after slaughtering thousands of pro-democracy demonstrators.

With the help of a billion dollars' worth of Chinese arms and fighter aircraft, the Rangoon regime has been waging a vicious campaign to subdue the Karen, Mon, Karenni, Kayah, Kachin, Shan, Wa, Kokong, Naga and Muslim minorities in outlying areas bordering Thailand, China, India and Bangladesh. These various ethnic groups, composed mostly of upland peasant farmers, have merged their ragtag rebel armies into a scrappy, tenacious guerrilla force that is outnumbered ten-to-one by SLORC's 400,000-man army.

Like the Serbian regime, SLORC has used terror to get its way. Burmese army troops have looted, razed and burned some 850 up-country villages, raped several thousand women, forced more than a million people from their homes and "eliminated" those "bandit-insurgents" who refused to relocate. The human rights commission states that "many women provided testimony that women in villages relocated by the army were rounded up and taken to military barracks where they were continually raped.... Often the 'pretty' or young ones were raped immediately in front of family members and then taken away." In the report, prisoners recount being forced to watch soldiers rape Muslim women from Arakan state who "were allegedly brought to army barracks and kept there for raping.... Women who had returned to their villages stated that some of the women among them had died as a result of the continual rapes. Two female health workers ... reported that in their clinic, women with rape wounds ... had died from bleeding or subsequent infection."

Pressing village women and men into slave labor, portering and mine-sweeping is another well-documented SLORC war game. The U.N. report cites credible testimony that "hundreds of young boys" have been carted off in trucks from Shan state while collecting water near barracks. One man "reportedly witnessed boys being put on the front line carrying military equipment and huge rice bags. When they were caught in the crossfire, many of the boys were killed." Villagers forced to build roads and railways along the Thai border told the U.N. team that "hundreds of persons were killed by the military" when they could not keep up with the work, and that "the laborers died most frequently as a result of constant beatings, unsanitary conditions, lack of food and medical treatment."

The report details eleven cases of death from torture in custody, though it asserts the true number of deaths is far greater. Torture victims report techniques "including severe beatings with metal rods and chains covered with rubber; the 'iron road' which consisted of a metal rod being rubbed up and down the shins; being burned with cigarettes; being made to maintain certain positions such as the 'motorcycle' for hours; near suffocation or drownings; water torture; sleep deprivation; being made to dig 'one's own grave'; and being forced to watch others detainees being tortured." Students detained in Rangoon's infamous Insein Prison said they

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Where We Stand

By Albert Shanker, President
American Federation of Teachers

Who Sets the Standards?

College professors have often expressed alarm about the number of entering freshmen who need remedial courses, and now administrators are joining in. The most recent figure, according to the *Chronicle of Higher Education* (February 24, 1993), was 30 percent—or about one college freshman in three. Some of these kids can't read; others don't know how to study. Whatever their problem, they're sitting in "college" classes learning material they should have mastered in high school, or earlier. Professors are worried about the effect of large numbers of marginal students on college standards; administrators about the costs of remediation. Both are right to worry.

But while there is a lot of concern about students who are at the bottom, there is little said about some equally disturbing figures relating to students at the top. I'm talking about the decline over the past 20 years in the proportion of students who get top scores on the verbal section of the Scholastic Aptitude Test (SAT). Writing in the *Chronicle of Higher Education* (January 13, 1993), Christopher Shea says that fewer students scored 600 or above on the verbal SAT in 1992 than in 1972, even though more students took the exam. In absolute numbers, 116,630 scored above 600 in 1972 and only 75,243 in 1992—an enormous drop. Of course, with more students taking the SAT, you would expect to see a decline in the average score, but what could possibly explain the drop in the number of top scorers?

In "The Other Crisis in Education," Daniel Singal of Hobart and William Smith Colleges also describes this decline in top performance though he calculates it in slightly different terms—Singal says that youngsters going to selective colleges have lost an average of 50 to 60 points on the verbal SAT (*Atlantic Monthly*, November 1991). As a result, he says, these kids are less able to understand what they read than students a generation ago, so they need shorter and easier assignments. They are less able to write or think or carry on a coherent argument. And, because they have read less and understood less, they also know less.

What's the reason for this decline, and what can we do about it? Shea offers some familiar analyses:

- Kids are not reading much, and the stuff they read does not offer them the challenge they need to become better readers.
- They are watching too much television.

If students know they have to work hard, listen in class and come to school every day with their homework done in order to get into college, they'll do that.

- Educators are "uncomfortable with the idea of an academic elite." As a result, they spend comparatively little time and effort on high achieving students.
- The effort educators have made to improve the achievement of average students has brought down the level of top students at the same time as it has raised the level of students at the bottom.
- Standards in secondary schools are low, and they are getting worse.

This last item is a typical view of who's to blame: Elementary school teachers blame parents for the problems youngsters bring to school; high school teachers blame elementary school teachers for what kids don't know; and colleges blame high school teachers. But what about the responsibility of the colleges? Don't their admissions policies have anything to do with declining standards?

The college officials Shea interviewed seem to view the problem as inevitable—something over which they have little control. For example, although average verbal SAT scores at Rice University fell from 664 to 633 over a period of 20 years, the dean of admissions explains the change by saying that the 1960s "were the days of higher test scores." At Hamilton College, where average scores fell 77 points, from 639 to 562, the dean talks about the school's more diverse freshman class. And at the University of Chicago, where average scores fell 40 points, the dean's explanation is that scores are falling everywhere.

Whatever colleges pretend, their influence over high school standards and student achievement is decisive. Kids are just like adults: They will work to get what they want. If they know they have to work hard, listen in class and come to school every day with their homework done in order to get into college, they'll do that. If they know they can get by with less and still get into college, that's what they'll do.

Shouldn't schools and parents be doing more? Shouldn't they be putting pressure on youngsters—holding kids to higher standards and forcing them to work harder? They can try, but unless they can say, "You won't get into college unless you work harder and meet standards," the pressure is not going to work. In lowering their standards, colleges have undermined the authority of public schools and parents to demand more of students.

Mr. Shanker's comments appear in this ad under the auspices of the American Federation of Teachers. Reader correspondence is invited. Address your letters to Mr. Shanker at the AFT, 555 New Jersey Avenue, N.W. Washington, D.C. 20001. © 1993 by Albert Shanker.

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had been "kept in a special block" where they "were beaten daily" and subjected to "'beating parties' to which one of the prison authorities would invite his friends."

A year ago SLORC announced the release of all political prisoners. Although some 1,700 are known to have been released, many of these are believed to have been common criminals. In any case, thousands remain in jail and hundreds more, including high school students and their parents, have been arrested or "disappeared."

The U.N. commission devotes two of the most haunting paragraphs in its report to a group of HIV-positive prostitutes from upland ethnic villages. They had worked in Thailand, were deported when the Thais tested them for AIDS and were allegedly "killed with cyanide capsules by Myanmar authorities." For the last year or two, since increased AIDS awareness has made Thai prostitutes less desirable to Thai men, Burmese village girls as young as 13 have been sold by desperate parents to Thai scouts or, as the commission reports, "lured into prostitution in Thailand by men promising jobs with high pay." Forced repatriation of the infected prostitutes stopped, a top Thai law enforcement official told the commission, when it became clear the women's lives were endangered by returning them to Burma.

Hundreds of Burmese students who fled when SLORC took over are also believed by their families to have been killed, detained or "disappeared" once Thailand sent them back to Rangoon, prompting the Thais to stop repatriating and instead to accommodate them temporarily in hastily built student "camps" inside Thailand. According to the report, witnesses claim that the bodies of hundreds of students were buried in mass graves in a military site near the Rangoon airport and in Hlaing Thaya New Township. Witnesses told the commission of having observed "the military transporting bodies in trucks" to this SLORC-built satellite town: "In one truckload, most of the bodies had bullet wounds, but ... in another, the heads and faces of most of the students had been beaten and crushed."

Ethnic hatred in Burma, as in the Balkans, comes with the territory. Since independence from Britain in 1948, successive Rangoon governments have carried out periodic, violent pogroms designed to exterminate or expel many of Burma's 134 ethnic minorities. As in Yugoslavia, Burma's nationhood was an imperialist invention; for six decades British rule smothered ancient ethnic enmities. These erupted, however, on the eve of independence in the assassination of Aung San, Burma's national hero and father of Aung San Suu Kyi, modern Burma's democratic opposition leader, now under house arrest. Aung San is generally believed to have been murdered by outraged members of his own ethnic Burmese stock when he promised all minority regions autonomy and the ultimate right to secede from a new federal union. When the British pulled out, the Karen and other minorities immediately took on the ethnic Burmese, who quickly assumed all high-ranking posts in the military, expelled all members of other minorities from the ranks and by the early 1950s had become Burma's de facto rulers. Since 1962, when General Ne Win seized power in a coup, the Burmese armed forces have pursued a "Burmanization" policy, rationalized as essential to "preserving the Union."

In 1988 Burmese students and the urban middle class, buoyed by the wave of democratization in Asia, revolted against the repressive military regime, only to suffer a severe and deadly crackdown. When the military foolishly allowed elections in 1990, Aung San Suu Kyi led her opposition party to an overwhelming victory, prompting SLORC to arrest thousands of democratic party members and continue its murderous rule. Now SLORC has intensified the terror, declaring "the first main National Cause" to be "the non-disintegration of the Union," a talismanic phrase used to justify its iron hand in ethnically cleansing its population.

SLORC's Burma, like Milosevic's Serbia, is buttressed by neighbors whose avaricious self-interests preclude intervention in a domestic dispute. SLORC has been patronized by its largest trading partner, China, and quietly tolerated by the Thais, whose long-standing policy of constructive engagement has been a thin disguise for appropriating much of Burma's teak, fish, rubber, rubies and jade. Under President Bush, the U.S. Embassy in Rangoon condemned SLORC atrocities, but Bush himself did little to counteract them. As in the Balkans, Bush was far more concerned with avoiding entanglement and appeasing allies: in the Balkans, Russia, Britain and France; in Burma's case, China. So far the Clinton administration has backed the new, civilian-led Thai government, which has subtly begun to assume a more assertive diplomatic role. In late February, despite shrill opposition from China and the Thai military, the Thai foreign ministry assisted the Dalai Lama and seven other Nobel laureates in making a pilgrimage to the Thai-Burma border, where they called for the release from detention of fellow laureate Aung San Suu Kyi and the imposition of an international economic and arms embargo.

In December the Thai government privately told SLORC it was willing to broker a peace conference among Burma's warring factions, as Indonesia did for Cambodia. SLORC privately told the Thais, according to one U.S. State Department official, to "butt out." The United States should heartily support such Thai initiatives and work with Thailand to persuade Japan, the region's most powerful player, to co-sponsor such talks before plunging back into Burma with aid and trade, as it is now poised to do. All three countries might bring Indonesia, Malaysia, Bangladesh and other Islamic nations on board by appealing to their outrage at the atrocities perpetrated against their Muslim brethren. The broad agenda for such a forum would be to seek an end to Burma's civil war, the release of all political prisoners, the transfer of power to the democratically elected, civilian government and the final end of ethnic cleansing.

The Clinton administration might balance its inac-

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tion in the Balkans with a more aggressive moral stance in this other brutal, ethnic war. Condemning SLORC and working with allies for the junta's collapse would herald a dramatic shift in foreign policy priorities after four years of reading Bush's lips on human rights concerns. But so far, Burma's horrors seem to have moved this administration no more than the last. "We have no Burma policy," one frustrated senior State Department official told me. "We're drifting."

SUSAN BLAUSTEIN is a Washington-based free-lance writer who recently returned from Rangoon.

How not to replace Byron White.

THE NEXT JUSTICE

By Jeffrey Rosen

Driving home from work after thirty-one years on the Supreme Court, several hours after informing the president of his intention to resign, Byron White was approached in his driveway by a producer from ABC News, who asked him to describe his judicial philosophy. "Being a conservative or a centrist is all in the minds of the speaker," Justice White replied. "Just depends on what you think. And if you think I am one, you're right. But other people might think I'm something else, and they're right."

The reply, like the man, was a perfect cipher. For although he served longer than any justice in this century except William Douglas, Hugo Black and William Brennan, White was uninterested in articulating a constitutional vision. Lionized by the Kennedys as one of the ablest lawyers of his generation, he became a lingering indictment of the premise of Camelot: that intelligence without vision was enough for success. White's shortcomings provide useful cautions for Bill Clinton as he begins the search for White's successor. And the shortcomings of some of White's colleagues suggest equally constructive lessons about how not to choose the next justice.

According to Bobby Kennedy, substantive legal views played no role in the selection of White, whom President Kennedy considered "his kind of person." (Before serving ably in the Justice Department, White had been a football All-American, NFL rookie of the year and a bonafide war hero.) JFK was interested primarily in whether the American Bar Association would rate White "exceptionally well qualified." The Kennedys conspicuously passed over Paul Freund of Harvard, an unathletic constitutional scholar who had chosen to complete a history of the Supreme Court rather than serve as solicitor general. In announcing the appointment, JFK emphasized that White had "seen life" and had "excelled in everything he has attempted." President Clinton, in the spirit of his boyhood hero, has promised to "pick a person that has a fine mind, good judgment, wide experience of the law and in the problems of real people, and someone with a big heart."

But Kennedy's notion that being a scholar-athlete (and the Rhodes scholarship remains White's defining achievement) was sufficient preparation for the Supreme Court proved an unfortunate miscalculation. Despite his ability as a first-rate legal technician, White never transcended his initial incarnation as the jock justice. The atmosphere in his chambers was serious and manly: sports mugs were his only decorative indulgence, along with a set of faux Daumier etchings of a woman exposing herself during a nineteenth-century obscenity trial, which his son had brought back from Paris. (They were moved upstairs when the female clerks objected.) "You look fit," White said at the beginning of my interview for a clerkship in 1990, and then unleashed a string of hilarious questions. What do you do for exercise? How's your health? Are you married?

His clerks forgave his gruffness, which they recognized as a mask for painful shyness. It took him months before he could say hello and goodbye to them, let alone include them in the rounds of office put-put golf that became his main diversion during the strenuous workdays he maintained until the end. Although he could be brutal to his clerks on the basketball court—knocking them over with an elbow to the Adam's apple—he could also surprise them with unexpected field trips, such as an excursion to the National Arboretum to smell the blooming flowers.

From the beginning, however, White's competitiveness as a sportsman doomed him to mediocrity as a justice. For he saw the Court and the law as a series of personal victories and defeats. He had a fetish for writing more opinions each year than any other justice and would scribble short dissents from the Court's routine denials of certiorari because he felt his colleagues

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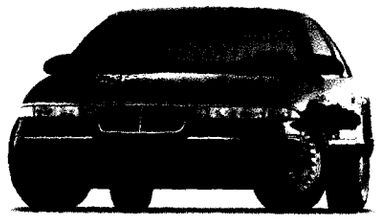

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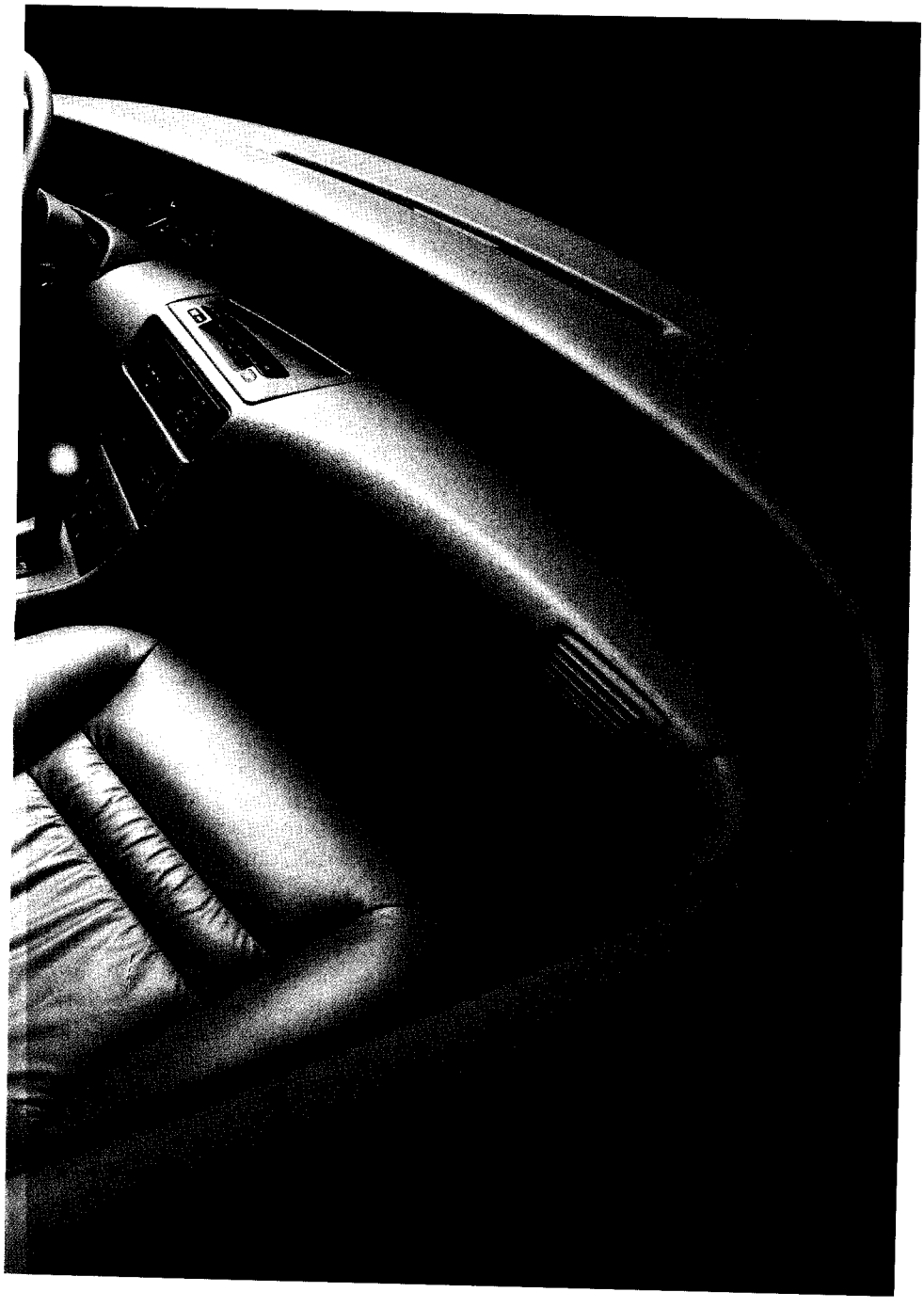

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weren't doing enough work. During his early years he would race his clerks to see who could finish drafting an opinion more quickly, and would then cut and paste to produce a final draft. White prided himself on banging out in few days what would take the clerks weeks; and it showed in his slipshod prose and often unsupported conclusions.

After the publication of Bob Woodward and Scott Armstrong's *The Brethren* in 1979, White became obsessed with secrecy and began to compete against his clerks in odder ways. On occasion he refused to tell them anything about the discussions in conference, including the votes that he had cast or the reasons he had proposed. "We're writing," he would announce as he returned to his office, and his clerks would have to call their friends in other chambers to find out which position they were expected to endorse.

White's jurisprudence too was essentially reactive and obsessed with scoring points. Rather than defending his own positions, he focused his energies on attacking the arguments of his opponents. In the cross burning case last June, for example, White spent so much time picking holes in Antonin Scalia's ingenious extension of the First Amendment that he devoted only one paragraph to his own, alternative theory: that the law in question was too broad. He had a love of technicalities, perversely suggesting in the same case that if the parties had made such and such an argument, they might have won; but since they didn't, they lost.

But instead of trying to persuade his colleagues, he preferred to vote quickly and to stand his ground. In the 1991 *Fulminante* case, for example, White was originally assigned to write a majority opinion declaring that coerced confessions are not "harmless error," and should therefore render a conviction unconstitutional. After William Rehnquist circulated a powerful dissent, the votes in the middle began to waver. Sandra Day O'Connor asked White to make a modest change, but White stubbornly refused. As a result, O'Connor switched her vote, Anthony Kennedy followed and White lost his majority.

Despite his reputation for independent voting, White's lack of an independent vision reduced him to defining himself in relation to those with more coherent views. Responding to the irony that White, a Kennedy Democrat, voted in 72 percent of the cases last term with Rehnquist, a Goldwater Republican, the conventional argument has been that White remained the same while the country changed. In many ways, however, White was a follower from the start. The week White was nominated to the Court, Alexander Bickel wrote an unsigned editorial for this magazine quoting an unnamed justice—presumably Felix Frankfurter—who predicted that White would be found "a bit to the left of Mr. Justice Potter." (See "Mr. Justice White," TNR, April 9, 1962.)

Frankfurter was right. Perceiving himself as a moderate Democrat, White took care to remain just to the left of Potter Stewart until Stewart resigned, at which point he fell under the sway of Rehnquist. When Rehnquist stopped producing original ideas, White flirted with Scalia; and when Scalia's novelty faded, White began to reassert himself once again. (My own favorite specimen of the later White is his 1991 confrontation with Rehnquist and Scalia, in which he defended nude dancing with aplomb: "No one can doubt that ... 60,000 Hoosiers would be perfectly free to drive to their respective homes all across Indiana and, once there, to parade around, cavort and revel in the nude for hours in front of relatives and friends.")

If White's oeuvre reflects any academic influence, the only discernible one is that of Myers McDougal of Yale, the last great legal realist. As a law student, White took Property from McDougal in the 1940s and then signed up for his seminar on Law, Science and Society. McDougal steeped White in the realist notion that all law is policy, that definitive rules, and therefore definitive rights, do not exist. In a telephone interview from his home in New Haven, the 86-year-old McDougal praised his former student for "asking the hardest questions I've ever had. He was a very realistic fellow. He wanted to examine the facts of a particular case and the policies that are relevant to a particular case, and that is just the essence of American legal realism." McDougal's influence culminated in White's most respected opinion, his dissent in the 1964 *Sabbatino* case, in which he endorsed McDougal's suggestion that American courts should apply international law in cases where there is no relevant domestic law, rather than deferring to the illegal acts of foreign states.

But in the ensuing years, White's cynicism about the distinction between law and politics transformed him into the Court's most persistent statist. A former clerk for another justice summed up White's philosophy as "Constitution, Shmonstitution. If Congress passed this law, why is it my business to get in the way?" Bruce Ackerman of Yale more elegantly describes White as the "banalization of Holmes: he had the arduous sincerity of a fellow out of his depth." White's most notable contribution was in the area of separation of powers, where he dissented from decisions invalidating the legislative veto, Congress's attempt to override executive actions without presenting a formal bill to the president. But White overstated his case by suggesting that anything Congress said was law, and that the administrative state might collapse without a legislative veto. As Chief Judge Stephen Breyer of the federal appeals court in Boston and Harold Koh of Yale have since pointed out, Congress can avoid the constitutional difficulties of a legislative veto by using fast track legislation to block executive decisions with which it disagrees.

White's pragmatism was even less convincing in the sexual privacy cases. He concurred in *Griswold* v. *Connecticut*, a 1965 case striking down a ban on the use of contraceptives by married couples, because he thought the ban failed to achieve its stated purpose: deterring "illicit sexual relationships." Later Court opinions

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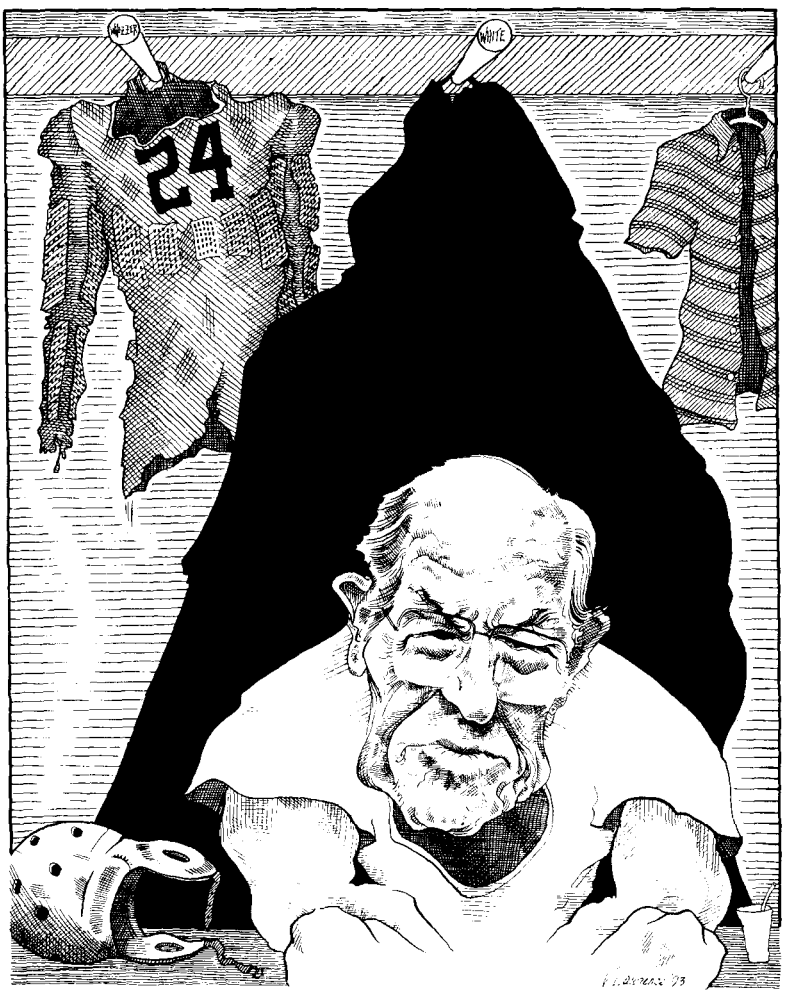
extended the right of sexual privacy to unmarried as well as married people. But in his most personal and least persuasive opinion, *Bowers* v. *Hardwick* (1986), he asserted angrily that states are free to ban sodomy and oral sex because people have hated homosexuals for centuries. The dishonesty of White's opinion was its failure to engage the central question: Could the law—which said nothing about sexual preference—be enforced against unmarried heterosexuals as well as homosexuals? If so, then it was inconsistent with the Court's earlier opinions. If not, then it seemed to be a clear violation of the constitutional guarantee of equal protection of the laws.

His pragmatism led him to relish his inconsistencies. He would take a position in one case and, if he lost, would switch sides in the next, stretching the position he had rejected, as if to stick it to his colleagues for the original defeat. He is famous, for example, for having dissented from *Miranda*, on the pragmatic grounds that confession is a good thing and shouldn't be discouraged. But then he joined and wrote later opinions extending *Miranda* further than it had to be extended. Early on, similarly, White had suggested that arrests without a warrant are not necessarily unconstitutional as long as they are "reasonable." But then he joined later opinions insisting on hypertechnical adherence to a warrant requirement.



BYRON WHITE BY VINT LAWRENCE FOR THE NEW REPUBLIC

Like Rehnquist, White was notorious for removing the legal reasoning from the drafts of his clerks. He provided the fifth vote to uphold an interpretation of the Eleventh Amendment's guarantee of sovereign immunity that was patently inconsistent with its text and history, and his concurrence became a law school legend: "I agree with the conclusion reached by Justice Brennan ... although I do not agree with much of his reasoning. Accordingly, I would affirm." This provoked a distinguished casebook, Hart and Wechsler's *Federal Courts*, to ask in exasperation: "Doesn't a justice who casts the deciding vote have some obligation to provide an explanation that is intelligible to the legal community?"

White, in short, cannot be ranked among the most successful justices; and his various shortcomings—philosophical, collegial, temperamental and jurisprudential—reveal the very specific skills that effective justices must possess. Clinton could do worse than use White's failings as perverse criteria for choosing White's successor. Most obviously, the Kennedyesque standards Clinton has pledged to apply are inadequate. To be a first-rate lawyer who has "seen life" and possesses a "big heart" is admirable, but it is not sufficient preparation for the Supreme Court. Nor is caring about the First Amendment or the right to privacy, two qualifications Clinton affirmed in last week's press conference. Instead, the best justices have thought seriously about all the theoretical issues in constitutional law. Although they may not have had formal training as scholars, their disposition is scholarly enough to project their philosophy from case to case.

A persuasive judicial philosophy is particularly important, given the intellectual dynamics of the Rehnquist Court. Clinton's overriding goal should be to find a justice who is capable of challenging Scalia on his own terms, as well as changing the terms of debate for the entire Court. Only two justices currently have this capacity. One—John Paul Stevens—has little interest in persuading his colleagues; the other—David Souter—is, for all his virtues, instinctively conservative.

Clinton needs a justice whose political instincts are liberal but whose constitutional judgments are restrained by, and rooted in, constitutional text, history and structure. This requires not merely a competent lawyer but a candidate with some proficiency in historical and textual analysis. If Clinton instead chooses someone unable to speak in Scalia's language—an unreconstructed Warren Court activist, for example, or another "pragmatic" legal realist—he will squander his chance to win over the swing justices and build his own majority.

The most useful way to think about this is to consider

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the shortcomings of all the current justices. They fit roughly into four broad categories: Thinkers, Persuaders, Voters and Robes. Scalia, Souter and Stevens are the Thinkers, the only three justices who consistently do their own writing and reasoning. (Stevens alone writes his own first drafts; Scalia and Souter thoroughly rewrite the drafts of their clerks.) They are also the only three who make even reasonable efforts to be guided by coherent judicial philosophy, rather than by case-by-case judgments or by the recommendations of their clerks. They are the most successful justices. Rehnquist began his tenure on the Court as a Thinker, but lost interest after he became Chief.

Souter and Scalia are also Persuaders, the two justices who define the intellectual terms of debate for the entire Court. They persuade not by back slapping or horse trading in individual cases, but by the power of their competing judicial philosophies and legal reasoning. Scalia's ability to persuade in the most visible cases has waned; but his influence in the less visible cases—almost 80 percent of the Court's docket—remains strong. Stevens, who has the ability to be a persuader, lacks the temperament.

White, Rehnquist and Harry Blackmun are the Voters. They are self-confident enough to choose sides in each case, but then delegate much of the writing and reasoning to their clerks. Their opinions, consequently, are often legally unpersuasive, and appear more result-oriented than those of the Thinkers. All three Voters began their careers writing a greater proportion of their opinions than they do now. O'Connor and Anthony Kennedy are Voters only in the small category of cases in which they take personal interest (federalism for O'Connor; First Amendment for Kennedy).

Clarence Thomas and, to a less dramatic degree, Kennedy and O'Connor are the Robes. These justices not only delegate their writing and reasoning to their clerks; their indecisiveness and insecurity make them surprisingly vulnerable to influence in their voting as well. Their opinions tend, as a result, to be unpredictable and often contradictory: both the style and substance vary from year to year. They are the least successful justices.

This crude typology contains at least three helpful lessons for Clinton. The first is the painful failure of affirmative action as a mechanism for choosing Supreme Court justices. The endless debate during the Thomas hearings about whether his "background" and "experience" might help him to overcome his instinctive conservatism clearly missed the point: without the intellectual security and technical competence to translate his experiences into law, Thomas has become a mute front man for run-amok clerks who act in his name. O'Connor, for her part, may be an inspiring role model, but her jurisprudence has not been similarly inspiring. Attempts to choose justices based on their geographic appeal or political connections have often proved equally unfortunate, as Rehnquist and White attest. Interest groups, who have learned nothing from the debacle of the Reagan and Bush nominations, are already demanding the appointment of a woman or minority at all costs. In fact, the handful of genuinely exceptional candidates includes some women and minorities; but most have politically incorrect views about *Roe* v. *Wade*. (See "Court Test," TNR, September 28, 1992.)

The second lesson is the folly of selecting justices on the basis of their predicted votes rather than their demonstrated skills in legal reasoning. Of the five justices chosen primarily for their expected views about *Roe*, three disappointed their patrons. But if President Bush, for example, had taken seriously Souter's cheerfully disclosed affinity for the judicial philosophy of Justice Harlan, he might have anticipated Souter's apostasy on abortion. And if President Reagan had recognized the intellectual insecurity of O'Connor and Kennedy, he would have been less confident of their votes. The abortion debate, in any event, is finally moot. The resignation of White rather than Blackmun creates a comfortable pro-choice majority on the Court; and the Freedom of Choice Act should soon make the Court's views irrelevant. Clinton now has the opportunity to abandon his unfortunate litmus test quietly and focus on the more urgent question of judicial philosophy.

The most interesting lesson, finally, is the direct correlation between judicial success and literary achievement. It is no coincidence that the three most effective justices are the three who do much of their own writing; or that the middling justices once wrote regularly but no longer do; or that the three weakest justices have never convincingly proved their ability to express their own views. Given the proliferation of law clerks in the judiciary, speechwriters in the political arena and even research assistants in the academy, Clinton should not assume that his leading candidates have any meaningful connection with "their" opinions and speeches, unless they supply persuasive evidence to the contrary. (The most reliable procedure would be to ask prospective nominees to submit to an open-book essay test on constitutional and historical questions.)

Given the Clinton administration's affirmative action mentality and its apparent lack of interest in legal philosophy, it is difficult not to be apprehensive about the forthcoming nomination. Certainly nothing the president has said so far—from the abortion litmus test to the apparent exclusion of scholars from consideration—inspires confidence that Justice White's successor will be a person of more substance than Justice White. But both Clintons were well regarded as junior law professors at the University of Arkansas. With the luxury of a few months to ruminate, perhaps they can be persuaded that the revival of principled liberalism on the Supreme Court is far too important to sacrifice to the politics of symbolism. Herbert Hoover, after all, came to regard Benjamin Cardozo—whom he had bypassed three times and nominated only with the greatest reluctance—as the proudest legacy of his presidency. And does George Bush have a single more enduring accomplishment than David Souter? •

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GOD AND THE INTELLECTUALS

Among the well-educated the myth still circulates that religion is the preserve of the dim-witted, unlettered, and irrational, that the price of salvation is checking your mind at the Pearly Gates. Yet, from Harvard to Berkeley, and among inquisitive people generally, there's an undeniable renewal of interest in the questions traditional religion raises and seeks to answer. This fascination is largely the result of the failure of secular substitutes for religion (such as positivism, rationalism, hedonism, consumerism, technological utopianism, Freudianism, and Marxism) to give abidingly satisfying answers to the truly significant puzzles in life: evil, goodness, suffering, love, death, and the meaning of it all.

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BOOKS & The Arts

Stanley Kauffmann on Films

Tangles

I'm one of the multitude who admire Edith Wharton, but I'm in the minority about **Ethan Frome**. I saw a dramatization on Broadway in 1936, which was when I first got to know the work; I didn't care much for the play and subsequently have had reservations about the novel. Among Wharton's New England writings, I prefer *Summer*, which she called "the hot Ethan." Its happy ending is a contrivance of fiction, patently and soothingly so. In *Ethan Frome* the unhappy ending is equally a contrivance of fiction, but it's meant to be Fate.

Ethan's wife, Zeena, obstructs union between him and Mattie, the hired girl, so the lovers decide to kill themselves in a sledding smash-up. If they had succeeded, the result would have been grimmer but no more tragic than, say, Zola's *Thérèse Raquin*, another triangular drama that ends surprisingly. As it is, the ending of *Ethan Frome* is a shocking irony, no more. Some have called the book a tragedy, but tragedy doesn't shock.

The film (released by Miramax) makes matters worse by stressing the book's fault. Richard Nelson, known as a venturesome playwright, has rearranged Wharton somewhat, making the story more compact, but the structural crux is still a subterfuge—sleight of hand, or of camera, to keep us from knowing the end too soon. (In this regard an ancestor of *The Crying Game*.) "Sleight," however, is hardly the right term for John Madden's direction, which is ponderous. He relies as much as he can, rather more than the picture can bear, on the wintry New England landscape, seemingly assuming that he can snow us with ambience. But actually there's more atmospheric grip in the indoor scenes. The low-ceilinged, lamplit rooms almost smell of constraint.

The casting hasn't helped. First, the horses. In the equine age—and this is the mid-nineteenth century—there were two kinds of horses: those for transportation (carriage and riding) and those for work. Some people could afford both, but not the hardscrabbling Ethan. The first page of the book mentions his "hollow-backed bay." In the film his sleigh is drawn by prancing steeds that never saw a plow or a manure wagon.

Then there are the people. Patricia Arquette was pleasant in Sam Shepard's *Far North*, and she's not unpleasant here, but her Mattie never suggests the "bright serviceable creature" of the story—in from the storm, so to speak, and grateful for shelter. Joan Allen, as Zeena, has the most difficult acting job. It's always uphill to play someone in opposition to the characters we care about. Allen does moderately well with what she's given, but there's small hint of the woman behind the suffering.

Liam Neeson is a sincere, thoughtful actor, clearly determined not to trade on his huge size and good looks. His physique may get him his jobs, but he insists on going past to truth in his acting. (As well as variety. The last screen appearance for this Irish actor was as a laconic Midwestern sheriff in a mess called *Leap of Faith*.)

Here he grapples almost visibly with Ethan, trying to wrestle the man to the pitch of anguish in which oblivion seems better than existence, but Madden's stolid direction and Arquette's vapid performance keep dragging him down. Ethan's torment is never truly realized, so the ending never seems inevitable.

The best element in **Mad Dog and Glory** (Universal) is the moral tangle arrived at through a quite different triangle. Everything else in the film is contrivance and cliché, but that tangle is the sort that Georges Simenon might have enjoyed.

Robert De Niro is a Chicago detective who, inadvertently, saves the life of Bill Murray. It turns out that Murray is a crime biggie who owns a nightclub. At the club that night, a waitress, Uma Thurman, accidentally spills coffee on De Niro's hand. Next morning Thurman knocks at the door of De Niro's apartment. She has been sent by Murray to stay with De Niro for a week to take care of his hand.

De Niro hesitates to accept this thank-you present, particularly since it comes from a criminal. But Thurman wins her way in. She says she has been ordered only to take care of his hand and help around, but in the course of the week she and De Niro—would you believe it?—go to bed. (With explicit detail—included for no other reason than that it's now allowed and the audience expects it, as it expects popcorn in the lobby.) Afterward, in the mod sequence of things, they fall in love.

She reveals that she is indentured to Murray. He gave her a lot of money that

FILMS WORTH SEEING

Groundhog Day. *Bill Murray is surprisingly amusing in this comic fantasy set in Punxsutawney, Pennsylvania. (Reviewed 3/15/93)* **The Last Days of Chez Nous.** *Moderately successful sojourn with an Australian family and its marital troubles. Lovely women. Bruno Ganz as the troubling male. (3/29/93)* **Rich in Love.** *A South Carolina woman leaves her husband and grown daughters to find her own life, which helps them to find theirs. Gentle and intelligent. An ingratiating cast, among whom Albert Finney, as pop, scintillates. (4/5/93)* **Stolen Children.** *Gripping. An 11-year-old Italian girl has been prostituted by her mother. She and her small brother are escorted by a young policeman from Milan to a children's home in Sicily. Directed masterfully by Gianni Amelio. (3/22/93)* **—SK**

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her brother needed, in return for which she is at his beck for a couple of years, not necessarily as a hooker though sex isn't ruled out. De Niro determines to free her from Murray and to keep her. Murray is at first furious, then reasonable. He will let her go if De Niro buys her freedom. After naming a higher figure, he says he will accept $40,000 to let De Niro keep her.

De Niro tries, unsuccessfully, to raise the money. Then it dawns on him that he's buying, or trying to buy, his girlfriend, his love. Just as if she were a piece of meat. The alternative, if he defies Murray, is possibly his death, certainly maiming.

This is the Simenonesque situation; but Richard Price, the screenwriter, didn't know what to do with it. He did the one thing that Simenon would never have done: Price breaks a cardinal rule of drama. After setting up a dilemma, he doesn't solve it, he dissolves it. He lets the threat disappear.

The rest of the picture is filled with a lot of movie fist fights, the kind that would put most men in traction for a month but that cause movie men no more trouble than a bruise and a twisted tie.

De Niro gives Performance A27 from his computer file, touched up a little to fit the occasion like a ready-made suit altered to fit the customer. Thurman's definition of acting is moue—twists of the mouth accompanied by quick sidewise glances. She looks a little like Daryl Hannah, and her performance comes out as Daryl Hannah with a tic.

Bill Murray, changing his *Groundhog Day* pace, is fairly forceful as the villain, but the part is one of those concoctions that pass for characterization in mystery stories. This man is a velvet-glove type. He talks about his sessions with his analyst. He deplores his low companions. He indulges in fancy diction. ("I'm the expediter of your dreams.") Possibly there really are crime big-shots like him. If so, they may not be pleased with this hollow facsimile. •

American Jews and the meritocratic experiment.

The Other Zion

By David Brion Davis

I.

I have been teaching American history for thirty-eight years, but I was frankly astonished by much of the information contained in Howard M. Sachar's monumental volume on the history of American Jewry, and in the uneven but generally outstanding five volumes sponsored by the American Jewish Historical Society in its centennial year. Both of these surveys of Jewish life in America record the extraordinary achievements of a people who overcame abysmal poverty as well as the barriers of religious and ethnic discrimination. And both works also show how the drive for material and vocational success has undermined Jewish religious observance and the communal bonds of ethnic peoplehood.

The late Lucy S. Dawidowicz, in a fascinating lecture titled "What Is the Use of Jewish History?," pointed out that early nineteenth-century German-Jewish historians, who were "alienated from Judaism and the Jewish community, undertook to use Jewish history"—that is, to celebrate the high level of past Jewish achievements—in order to win credit from gentile authorities and "to hasten Jewish assimilation." That is emphatically not the intention of Sachar or the authors in the AJHS series. They alternate between pride in what Jews have done and despair over their loss of community. But whatever the intention, these new works illuminate neglected aspects of American history. More importantly, they show how Jewish history has been a testing ground for American ideals, especially the ideal of apportioning rewards according to individual merit as opposed to hereditary privilege or ethnic identity.

I do not mean to suggest that standard histories of the United States have totally ignored the Jewish presence. Jews are included, of course, in accounts of the "new immigration"; they move along with other ethnic groups from Ellis Island to their enclaves in New York and other cities, arousing prejudice and increasing demands for the restriction of immigration. Students in American colleges become familiar with Samuel Gompers, Louis Brandeis, Emma Goldman and Morris Hillquit, though such figures are seldom identified as Jews; they may even learn that Judah P. Benjamin became the first "acknowledged" Jew in the United States Senate (David Levy had earlier converted to Christianity and changed his name), before being chosen secretary of war and secretary of state of the Confederate States of America.

In textbook histories, however, there is a rough correspondence between the space devoted to Jews and the proportion of Jews in the American population—a figure that rose to 3.7 percent in 1937 and then dropped by the late 1980s to 2.5 percent. It is true that throughout American history Jews have been the only non-Christian group with any appreciable influence or visibility (excluding African and Native Americans, who were more willing than Jews to accept Christian conversion), but they appear in our national self-portraits as one of the smallest and least significant minorities.

Even well-informed Jews are likely to think that American Jewish history really begins with the massive immigration and the teeming city streets and tenements of the late nineteenth and early twentieth century. No doubt there is some popular, almost folkloric knowledge of the Sephardic Jews of Newport, Rhode Island, who were assured by President Washington of "the exercise of their inherent natural rights," not mere "toleration," and protection by a federal government "which gives to bigotry no sanction, to persecution no assistance." Still, I suspect that even most professional historians would be amazed to discover the ubiquity of Jews in virtually all the significant episodes of American history.

A few examples will provide the background needed for a discussion of the volatile issues of merit and success. In the mid-eighteenth century, Jewish merchants such as Daniel Gomez and Hayman Levy helped to link the interior hinterland trade, especially in furs, with a network of Atlantic commerce that extended to England, Holland, Africa and the Caribbean. Levy became the largest fur trader in the British colonies. Daniel Boone, who has come down in legend as the antithesis of the urban Jew, was hired by Jacob Cohen and other Jewish merchants to survey land, mark out roads and locate land claims in Kentucky. Expansion into the supposedly "regenerating" frontier depended on the expanding markets that Jewish Americans helped create.

Since ordained rabbis did not arrive in the United States until the 1840s, the hazanim or cantors led services inside

David Brion Davis is Sterling Professor of History at Yale University.

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the synagogue, and outside the synagogue they gave symbolic representation to the Jewish people. On July 4, 1788, when a great parade in Philadelphia celebrated Pennsylvania's ratification of the Constitution, the Jewish hazan marched arm in arm with two Christian clergymen. New York's hazan, Gershom Mendes Seixas, served on the board of trustees of Columbia College from 1784 to 1815. Known as the "minister of the Jews," he appeared with the Christian clergy on days of thanksgiving and fasting—another indication that American Jews did not have to wait until the period 1920-45 to "enter the mainstream." As it happened, Jewish merchants in the early national period had business partnerships and social ties with gentiles. European travelers were astonished to see that the clothing and hairstyles of American Jews were indistinguishable from those of American Christians. And Jewish leaders in the early nineteenth century already expressed considerable anxiety over the rate of intermarriage.

In 1860 Jews constituted only one-half of 1 percent of the American population. Still, before the Civil War Jewish newspapers reached readers in 1,250 locations, and in upstate New York alone a mohel, or ritual circumciser, could be found in Utica, Oswego, Auburn, Rochester, Syracuse and Binghamton. Jews tended to be concentrated in a few cities along the eastern seaboard, but the remaining minority was widely dispersed. In the 1840s and '50s, Jews served in the legislatures of Indiana, North Carolina, South Carolina, Georgia and New York. Edward S. Shapiro, the author of the final volume in the AJHS series, is thinking of the great metropolitan centers when he asserts that "few cities had had Jewish mayors prior to the 1960s."

One seldom associates Jews with the frontier West, yet the nineteenth-century cities and towns that were governed by Jewish mayors included Dodge City and Wichita, Kansas; Butte, Montana; Boise, Idaho; Portland and Eugene, Oregon; Seattle, Washington; Albuquerque, Santa Fe, Roswell, Tucson, Yuma, Phoenix, Prescott and Tombstone in New Mexico Territory; El Paso, Texas; San Francisco and Sacramento, California; Denver and Trinidad, Colorado. Three Jews died in the Battle of the Alamo in 1836, and seventeen Jewish sailors sank with the *Maine* in 1898. It was Adolph Gluck, a councilman of Dodge City, who selected Wyatt Earp to be the law-enforcing sheriff later romanticized by Hollywood; and Earp, who had a common-law marriage with a Jewish woman, was buried in a Jewish cemetery.

Jews have long had a significant connection with American icons and symbols of achievement, even apart from the Jewish magnates of Hollywood. Charles Lindbergh, the "Lone Eagle" who evoked deserved public censure for his response to Nazi Germany and his infamous anti-Semitic speech in 1941, toured the country as a hero under the auspices of the Daniel Guggenheim Foundation for the Promotion of Aeronautics, which had offered the prize that led to Lindbergh's solo flight. Countless scholars and artists have looked to fellowships from another Guggenheim Foundation (or to Pulitzer Prizes, endowed by another Jew) for the honorific windfall that would change their careers. For numerous writers the same can be said of the Book-of-the-Month-Club, another institution founded by Jews. It is true that Horatio Alger Jr., the creator of the classic rags-to-riches literature read by millions of aspiring American youth, was not a Jew; but Alger served as a tutor to the sons of Joseph Seligman, the financier and former dry-goods merchant who supplied clothing to the Union Army during the Civil War and marketed hundreds of millions of dollars' worth of government bonds in Europe. According to Sachar, who unfortunately provides no endnotes or references that can be checked, Alger "used his employer as inspiration for his subsequent rags-to-riches stories."

A History of the Jews in America
by Howard M. Sachar
(Knopf, 1,051 pp., $40)

The Jewish People in America
(Johns Hopkins University Press, five vols., $29.95 each; $95 for boxed set of five vols.)

A Time for Planting: The First Migration, 1654-1820
by Eli Faber
(188 pp.)

A Time for Gathering: The Second Migration, 1820-1880
by Hasia R. Diner
(313 pp.)

A Time for Building: The Third Migration, 1880-1920
by Gerald Sorin
(306 pp.)

A Time for Searching: Entering the Mainstream, 1920-1945
by Henry L. Feingold
(338 pp.)

A Time for Healing: American Jewry Since World War II
by Edward S. Shapiro
(313 pp.)

What Is the Use of Jewish History?
by Lucy S. Dawidowicz
edited with an introduction by Neal Kozodoy
(Schocken, 278 pp., $27.50)

For many American Jews, the historians' neglect of the extraordinary disparity of Jewish achievements has not been a cause for sorrow. (Though it should be noted that Oscar Handlin and a few other historians have celebrated the consequences of what Handlin termed in 1954 the Jewish "adventure in freedom.") It is important to note that anti-Semites have long exploited the widespread but pernicious assumption that the proportion of Jews or any other group in desirable or privileged positions should roughly reflect their proportion in the general population.

For supporters of what I will call "the quota ideal," gentiles should logically voice alarm whenever Jews constitute much more than 3 percent of the nation's college graduates, lawyers, doctors, publishers, news editors, arbitrageurs, advertising executives, college professors, television producers, investment bankers, computer scientists, Nobel Prize winners or millionaires. Since Jews are "overrepresented" in all these categories and have often exceeded their quota by a factor of ten or more, there is much room for the classic anti-Semitic strategy of imposing a collective character on stories of individual success, and of then constructing the image of a transcendent Jewish conspiracy to control Wall Street investment, money and banking, the medical establishment, higher education, the media and entertainment and other industries and professions. Recent efforts to portray the Jews as the power behind the African slave trade and as the inveterate enemies of the African race suggest the risks of even an accurate historical account: since Jews were deeply involved in Atlantic commerce and in the interior expansion of the American economy, it is easy enough to identify a few Jews among the tens of thousands of Protestant and Catholic slave traders and promoters of the South's cotton kingdom.

Despite these potential dangers, Shapiro presents impressive evidence that American Jews now have little to fear from public knowledge of their disproportionate role in the modern history of merchandising, investment banking, real estate, science, medicine, philanthropy, journalism, labor organization and other areas. (I must add that Shapiro has a pronounced bias. He is an Orthodox Jew

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who scorns Reform and Conservative Judaism and their "outreach" programs to incorporate the children of mixed marriages into the community and to convert non-Jewish spouses. Shapiro is extraordinarily pessimistic when he discusses the supposedly rapid erosion of Judaism and the loss of a separate Jewish identity. And his definition of a Jew is hardly consistent: in his lists of prominent Jewish intellectuals, for example, he includes the offspring of Jewish fathers and non-Jewish mothers, even though he later warns that Reform's 1983 decision to recognize such people as Jews "meant that non-Reform Jews could never be sure that potential spouses were in fact Jewish." Shapiro's despondency could have been avoided by a less rigid definition of religious observance and a more open-minded interpretation of Jewish history.) Shapiro observes that the period from 1945 to the present, a time of unparalleled Jewish advance and achievement in secular spheres, has also witnessed a dramatic decline in anti-Semitism among American whites. In fact, it was the sudden collapse of anti-Semitic barriers, such as quotas on college admissions, that opened virtually unlimited frontiers for achievement.

Shapiro stresses that Jews have found it difficult to admit "that American anti-Semitism had dwindled to the point of insignificance," in part because anti-Semitic responses to public opinion polls had peaked as recently as 1944. As late as 1945, when Bess Myerson became Miss America and Hank Greenberg's ninth-inning home run won the American League pennant for the Detroit Tigers, a large proportion of advertisements for jobs printed in the Jewish-owned *New York Times* used code words that told Jews not to apply.

Discrimination against Jews, which was particularly intense from the First World War to the mid-1940s, provides an indispensable context in which to consider the quota ideal and the spectacle of Jewish achievement. Jews were never welcome in such enterprises as iron and steel manufacturing, machine tools production, the petroleum and automotive industries, commercial banking, chain stores and newspaper chains. In the interwar period Jewish scholars were systematically denied appointments in most colleges and universities. Few Jews sat on the boards of large corporations, banks, railroads or insurance companies—even those firms founded or directed by Jews, such as Kennicott Copper, American Smelting and Refining, Sears Roebuck, NBC and CBS.

Throughout the United States restrictive covenants or "gentlemen's agreements" excluded Jews from attractive residential housing and suburban towns. In cities like Minneapolis, Jews were barred by 1920 from all social, fraternal and service clubs, including the local branch of the American Automobile Association. At a time when four out of five of New York's Regents scholarship winners were Jewish, as well as some 70 percent of the student body at CCNY, medical schools began applying the quota ideal to curb the stream of Jewish applicants, which in the 1920s ran as high as 50 percent. By 1939 Dean William Rappleye of Columbia's College of Physicians and Surgeons could take comfort from the fact that the proportion of Jewish students had fallen to 6 percent: "The racial and religious makeup in medicine ought to be kept fairly parallel with the population makeup." In 1922 Harvard's President Abbott Lawrence Lowell took a similar stand and contended that a quota would actually help Jews by reducing anti-Semitic resentment. In less than a decade new admissions policies enforcing a "silent quota" lowered the number of Jews at Harvard from nearly 22 percent to 10 percent of the student body.

The most revealing sign of Jewish weakness in American society—and therefore the most irrefutable answer to anti-Semitic fantasies of Jewish power—was the failure to modify discriminatory immigration and refugee policy from 1921 through the years of the Holocaust. This time the issue of quotas involved not college admissions, but the life or death of many European Jews; and the issue

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was closely related to the most controversial question in American Jewish history, the response of the American Jews themselves to the Holocaust. Both Sachar and Henry L. Feingold give considerable space to these matters. Feingold takes the position that "history" (a substitute for God?) "assigned" American Jewry a providential role "as advocate for world Jewry," but that American Jews failed in that role, largely because their obsession with individual achievement and private self-realization had led to secularization, assimilation and an inability "to act collectively."

Yet Feingold also admits that it is difficult to imagine how even a unified American Jewry, "a group not winning medals for popularity," could have "persuade[d] the American people to change their restrictive immigration policy in the midst of a severe depression and then, during a bloody war for survival, to alter wartime priorities and permit the rescue of European Jews." Whatever the grounds for retrospective guilt, it is clear that a group that made up less than 4 percent of the population and still faced barriers in higher education and most employments had little chance of altering the anti-Semitic policies of the State Department, which refused to issue even the number of visas allowed by the quota system, and thereby to save at least some tens of thousands of lives. It is because of such cumulative memories that American Jews have found it difficult to think of themselves as an elite.

Shapiro's summary of the sociological surveys adds substance to an almost incredible story of upward mobility and achievement. According to a 1974 study of America's "intellectual elite," half of the nation's 200 leading intellectuals were Jews; 76 percent of "the most influential intellectuals had at least one Jewish parent." Stressing that Jews in the media have always appeared "along the entire political spectrum" from right to left, Shapiro claims that in 1982 "one-quarter of those employed by *The New York Times, The Wall Street Journal, The Washington Post, Time, Newsweek* and the major television networks were Jews." Similarly, by the 1980s Jews made up one-quarter of the faculties of the Ivy League colleges and universities, and an even higher percentage of elite law and medical school faculties (at Yale Law School, 35 percent by 1970). Even the discreet distaste for Jews that had long characterized the boardrooms of corporate America was beginning to evaporate by 1973, when Irving Shapiro, the son of a Lithuanian-born pants-presser, became chairman and CEO of Du Pont. As Jews moved into the highest ranks of such firms as Chrysler, Ford, Disney and United Airlines, *Forbes* magazine reported that of the richest Americans, more than one out of four was a Jew. And unlike many of the gentiles on *Forbes*'s list, few of the Jews had inherited their money.

Even more significant, however, were the statistics pertaining to the Jewish "masses," who once toiled in sweatshops or hawked goods from street stalls or pushcarts (in part, as Gerald Sorin points out, in order to avoid anti-Semitic bosses and to be free to observe the Sabbath). By 1970 some 60 percent of all employed Jews were professionals, technical managers or administrators. By 1988, according to the sociologist Steven M. Cohen, Jews were twice as likely as non-Jewish whites to report annual household incomes of more than $50,000. Although some poverty persisted, mainly among elderly Jews, the vast majority had become what Shapiro terms "the richest ethnic group in the richest country in history"; and the Jewish working class in America had "virtually disappeared." (For Shapiro, unfortunately, this astonishing upward mobility does not evoke humility or a sense of concern for less favored ethnicities.)

None of the books under review provides an explanation for the range and the diversity of Jewish accomplishment. Centuries of mercantile and cosmopolitan experience in Europe no doubt helped even nineteenth-century German-Jewish peddlers to found high-risk department stores that came to dominate retail trade in such inland cities as Atlanta, New Orleans, Little Rock, Memphis, Columbus and Jacksonville. By the time Hart, Schaffner and Marx emerged as the largest manufacturer of men's clothing in the world, such Jewish names as Isaac Magnin, Filene's, Gimbel's, Macy's, Abraham and Straus, Bloomingdale's, and Neiman-Marcus had become synonymous with consumer culture from San Francisco to Boston, from New York to Dallas.

But while the great Jewish merchants endowed symphony orchestras and other cultural institutions, merchandising talent can hardly explain the achievements of such Jewish composers and performers as Gershwin, Copland, Koussevitzky, Ormandy, Monteux, Reiner, Bernstein, Heifetz, Rubenstein, Irving Berlin and Jerome Kern. What did the great Jewish real estate magnates or the founders of Inland Steel, Consolidated Foods and Hyatt Hotels have in common with such writers as Malamud, Bellow or Roth, or with such scientists as Jonas Salk, Einstein and Oppenheimer, who transformed the world in which we live? For that matter, what did any of these figures share with the Jewish pimps and vice lords who dominated the white-slave traffic and "sex industry" in the early twentieth century, or with the founders of "Murder, Inc." and such famous gangsters as Arnold Rothstein and "Big Jack" Zelig?

Jewish subcultures and religious traditions—particularly the laws of *tzedakah*, which taught that philanthropy to the poor is a matter not of charity, but of religious obligation and legal right—played a crucial part in extending opportunities to the poor and in linking successive generations of Jewish immigrants. Writers of eastern European Jewish background have long denounced the German Jews who arrived in America before the 1880s as condescending and pretentious snobs who were far more concerned with winning gentile approval than with making common cause with their brethren. There is some truth to this stereotype, but Hasia R. Diner succeeds in modifying and humanizing the image of mid-nineteenth-century Jewish immigrants, many of whom were not really German Jews. Unlike Sachar, however, she almost totally ignores towering figures such as Jacob Schiff, who, for all his elitism, spent vast fortunes to aid the victims of Russian pogroms and to create organizations and institutions that would empower Jews while ensuring the degree of assimilation needed for survival.

As Sachar, Diner and most of the other writers indicate, one can hardly overemphasize the importance of the small organizations that pooled savings and provided Jews with credit, at a time when "Hebrews" or "Israelites" were excluded from borrowing start-up capital by R. G. Dun and other credit-rating firms. Nor should one forget the fraternal societies, the *landsmanschaften* and the organizations like B'nai B'rith, which helped Jews adapt to the conditions of American life while providing both a sense of self-worth and models of achievement. For all their humiliation and hardship, the millions of eastern European Jews entered an America in which a small number of Jews from central Europe had already created an elaborate institutional framework, as well as precedents for spectacular success.

II.

I have suggested that American Jewish history provides a test case for the values of a meritocracy, as opposed to what I call the quota ideal. The word "merit" has become extremely unfashionable, partly because it has been used to legitimate colossal inequalities, and partly

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because it implies moral virtue in addition to deserved reward, honor and esteem. But I wish to use "merit" in a limited pragmatic or operational way. If I develop heart disease, I want to be treated by the very best cardiologist available—a doctor who has met the highest standards of medical education and of a demanding practice, but who may in his or her private life be far less admirable than a less professionally competent partner.

No doubt such standards are easier to agree upon in medicine, science, engineering and mathematics than in many other fields. No sensible person would contend that American society even approximates an ideal meritocracy, or that our gross inequalities, which often stem from childhood environment or random chance, are mostly "deserved." But educational systems and market forces do tend to reward skill and to penalize incompetence. I am not referring to a utopia in which the most creative potentialities of every individual are nurtured and given a place, though many Jewish and non-Jewish educators have aimed at that goal. What I have in mind is the widespread ideal that all Americans, as consumers, have a right to insist on high-quality products and on constantly improving professional services.

Unfortunately, this commitment to excellence is totally subverted by the quota ideal. Although Americans have overwhelmingly rejected the socialist vision of distributive wealth (once embraced and championed by large numbers of Jews), multiculturalism has encouraged the assumption that rewards and inequalities should roughly mirror the proportion of each ethnic group in the population as a whole. Such a correlation would presumably obtain (1) if all cultural traditions prepared people equally well for the demands of a market economy and a technological society; or (2) if admissions in higher education and all occupational appointments were decided by lottery. Lotteries eliminate the fear that any particular group has an advantage or a handicap. And indeed many Americans are more comfortable with huge prizes won in a lottery than with prizes achieved by merit in a competitive contest (with the exception of beauty contests for women). They are also more comfortable with merit displayed in sports, or even in popular art and entertainment, than with merit demonstrated in scholastic competition or business enterprise. (Thus it was that the celebrated Jewish boxers and baseball players, such as Benny Leonard, Barney Ross, Max Baer and Hank Greenberg, reinforced by a sparkling galaxy of Jewish actors, comedians and entertainers, made it easier for the public to accept the mounting number of Jewish business leaders, doctors, lawyers, intellectuals and government officials.)

The history of anti-Semitic quotas shows that it has been difficult to accept the inescapable fact that, for a variety of historical and cultural reasons, members of certain groups will be overrepresented as students in the most prestigious colleges, law schools, medical schools and business schools, as well as in philanthropic and social protest movements, assuming there are no discriminatory barriers. In the modern secular world, a high proportion of Jews have shown a flair for test-taking, academic analysis, debate and hermeneutics. Unlike Feingold and Shapiro, who present unconvincing arguments for separating Jewish religious and secular spheres, I find it highly probable that these secular talents are related to centuries of talmudic study and disputation, which led eventually to a print-oriented culture preoccupied with inquiry, argument and systematic thought. The administrators at Harvard, Yale, Princeton and other universities complained that Jewish students were too bookish and academic when the institutions adopted what amounted to an "affirmative action" policy to recruit "well-rounded" WASPs.

By the 1980s, however, Jewish students at Ivy League and other elite schools were overrepresented by a factor of ten. And one of the results of such meritocracy in action was to raise concerns about the inequitable allocation of resources in accordance with factors defined at birth: it could be argued, in other words, that being a Jew at birth gives a child a statistical advantage with respect to education, career and income. Yet one must distinguish here between correlation and causation. Children were receiving good grades and awards in school and college not because they were Jews: as Shapiro laments, a diminishing number of "Jewish" students could claim a meaningful Jewish identity, especially with a recent intermarriage rate of 52 percent. Large numbers of Jews, however defined, were reaping scholastic rewards because they studied hard, did well on tests and seemed to excel at juggling abstract concepts, perceiving relationships and mastering detail without losing sight of the main point.

The ideal of selection and advancement according to merit, though corrupted in practice by racial and ethnic prejudice, had long been a keystone of America's republican ideology. By the 1960s this standard appeared at last to be vindicated by the collapse of the quota ideal and the spectacular upward mobility of America's Jews. The consumer orientation that flowered after World War II encouraged a new respect for cosmopolitan diversity as well as quality; as consumers sampled foreign foods, furniture, films and fashions, the ethnicity of a doctor or lawyer became increasingly irrelevant, as long as he appeared to be an expert who had an assured mastery of his field. It was ironic, then, that just as Americans were beginning to assume that many of their doctors, dentists, lawyers and accountants would be Jews, the whole framework of objective standards fell under attack, first by the New Left and then by postmodernist literary and philosophical critics—an attack in which Jews, of course, played a prominent part.

Yet a solution to the problem of disparities need not involve the denigration of standards or a subtle reimposition of the

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quota ideal. A defense of the merit ideal is perfectly compatible with the extension of special remedial measures to groups who have always been exploited and shut out from genuine opportunity. After all, the barriers that Jews faced in America were in no way comparable to the systematic degradation and deprivation suffered by African Americans as they endured centuries of slavery, segregation and racial hate. While blacks in the nineteenth and early twentieth century were exhorted even by their own leaders to behave more like Jews, one could hardly expect former slaves and sharecroppers to draw on generations of experience with merchandising, credit, cooperative enterprise and intellectual discussion.

The comparison between Jews and blacks served for a time to enlist extraordinary Jewish support for civil rights, but it has probably contributed in the long run to black anti-Semitism. Shapiro, whose brief discussion of this subject amounts to little more than reproaching blacks for ingratitude, is blind to the fact that virtually every immigrant group has forged ahead and won white acceptance in America by climbing over the African Americans. (Neither Sachar nor Diner gives nearly enough attention to Jewish complicity in America's system of racial oppression. Even apart from Jewish slaveholders, Jewish merchants, land speculators, entrepreneurs and bankers profited from a developing economy in which blacks served the function of a surrogate proletariat or undercaste.)

I do not mean to suggest that special programs for education and job training should be allowed to undermine standards of merit. It is true, alas, that some types of affirmative action have been justified by the quota ideal, and have implied the revival of informal quotas that would drastically reduce Jewish representation in positions of power, expertise and influence. Such a course would be extremely harmful in two ways. From an instrumental perspective, particularly in medicine, the entire population would suffer from a lowering of standards of competence and excellence. Even more disastrous, however, would be the dissipation of every group's aspiration for improvement. Although modern Americans seem to understand such striving better in the world of sports than in science, business or education, it is this drive for limitless achievement and improvement in all spheres, including social betterment, that remains the most valuable legacy that its Jewish citizens have given the United States.

III.

In many parts of the world Jews have been in the vanguard of modernization—inventing and discovering scientific and mathematical paradigms, spearheading movements for social justice, anticipating and promoting changes in consumer needs and tastes. Yet Judaism has also represented an unbroken tradition that has required resistance to certain kinds of threatening change, and certainly to the threat best typified, perhaps, by the centuries of missionary efforts to persuade or coerce Jews into accepting Jesus as the Messiah. The tension and the balance generated by this paradox of innovation and continuity may help to explain Jewish creativity. But it also produces constant anxiety and controversy over the validity of diverse forms of Jewish expression and the future fate of a Jewish identity.

In view of the debates that have divided the American Jewish community since the 1960s, it is hardly surprising that both Sachar and the final two volumes of the AJHS series link spectacular Jewish achievement with "assimilation," leaving the reader with the sense that American Jews now face an unprecedented and perhaps hopeless crisis. This message of gloom and doom may mitigate the alarm of some gentiles, who might otherwise find it impossible to repress jealous resentment over Sachar's and Shapiro's tales of limitless success. When reading Shapiro especially, it almost seems as if the disintegration of *Yiddishkayt* and any meaningful Jewish identity is God's retribution for the hubris of American Jews, who have deserted the "world of our fathers" for the false and suburbanite gods of the American Dream.

Sachar concludes his massive volume on a more ambiguous note. With admirable artistry he returns in the afterword to the Myers family of Springfield, Illinois, whose chronicle he salutes in the prologue as "a palimpsest of the United States itself." From their founding of a men's clothing store in the 1860s to the military service of three brothers in World War II, the Myers clan provides Sachar with a lens for a succession of snapshots of middle American Jews taking part in American history. Turning to the present, we find that three of the four grown children of James and Edith Myers have married non-Jews. This reflects the soaring rate of intermarriage that Shapiro and numerous other commentators interpret as the death sentence of Jewish "peoplehood." Yet all of the grandchildren of these three mixed marriages are being reared as Jews! One of the gentile wives has converted to Judaism, and her three children "are among the Temple's best Hebrew students." Sachar refrains from speculation about the future of such Judaism by choice. He closes with the story of Jamie, the eldest of James and Edith's children, who traveled to Israel, married a sabra, fathered a son, Adam, and then returned with his family to the United States. With memories of his natal land, the 11-year-old Adam can affirm "Israel is my home.... There I know where I am," while his father and grandfather "listen thoughtfully, saying nothing."

Sachar knows, of course, that Israel is never likely to become a meaningful option for American Jews. If we take the history of the Myers family as a weather vane, that means confronting what Shapiro terms the threatening "friendliness of American society" and the "insoluble dilemma" of intermarriage, which he portrays as a symptom of a much larger and irreversible "disease." The disease, quite simply, is apathy, secularism and a willingness to assimilate in order to succeed. Although Shapiro is deliberately provocative in his scorn for non-Orthodox Jewry and for the "cultural lag" of Jews' political liberalism, he does raise a central question that cannot be evaded:

> The major question facing American Jewry throughout the postwar years was whether their valiant efforts to fill the cultural vacuum created by the Holocaust would prove to be sufficient; would Jewish culture and religion be sufficiently attractive so that Jews would voluntarily identify with the Jewish community and reject acculturation and assimilation?

Shapiro's pessimistic answer must be put within the context of the annihilation, in the Nazi genocide, of one-third of the world's Jewish population, to say nothing of the wellsprings of Jewish cultural and intellectual life; and the cutting off thereby of the kind of immigration and trans-Atlantic influence that had traditionally reinvigorated American Judaism and counterbalanced the seductive forces of acculturation. Prospects for the future appear even bleaker when one adds to this picture the aging of the American Jewish population and its negative population growth, which has already brought a startling drop in absolute as well as relative numbers. And one could also mention the recalcitrance and self-insulation of most Orthodox communities and of "survivalists" like Shapiro, who asserts that "Jewish survival" is justified only if "the quality of that life"—as defined by a small minority of Orthodox Jews—"was worth preserving."

No one can deny that American Jewry faces a demographic and spiritual crisis

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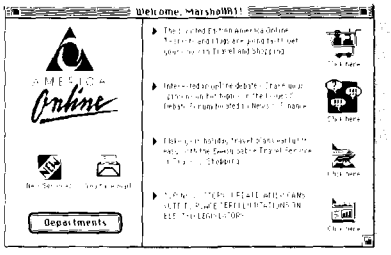

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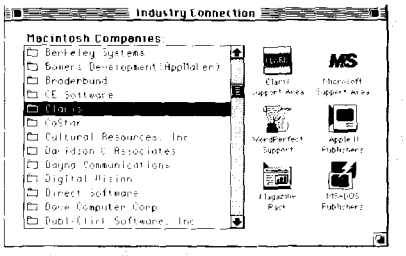

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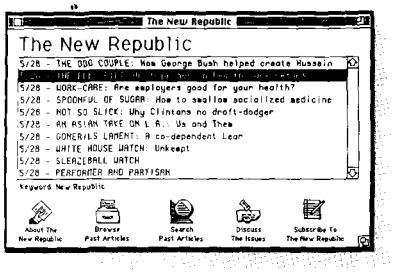

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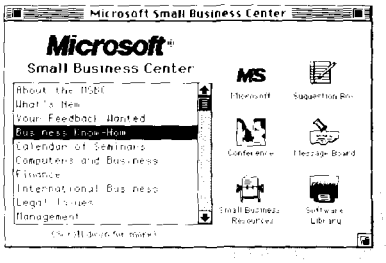

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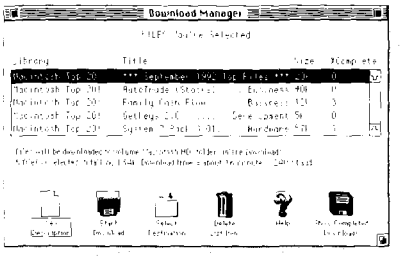

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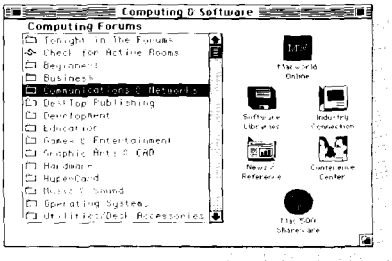

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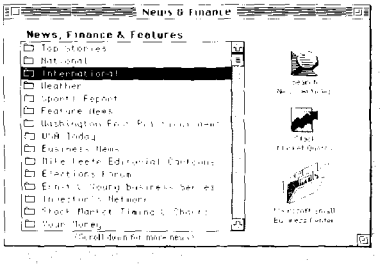

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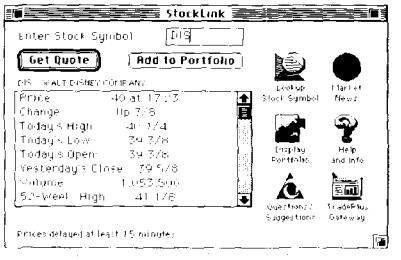

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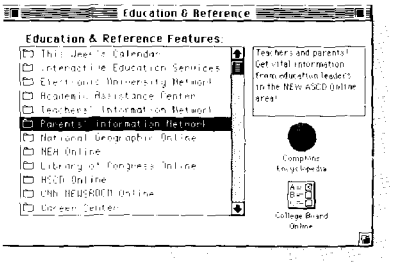

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that will only deepen as memories of the Holocaust and of Israeli triumphs continue to fade. I cannot begin to address this momentous and complex issue here, but it is important to point to certain omissions and blind spots in all the books under review. Although several non-Jewish historians have persuasively challenged the long-held dogma that modern history moves in an irreversibly secular direction, these new works on American Jewish history take "secularization" uncritically, as a self-evident proposition.

More specifically, they give virtually no attention, for example, to changes in Jewish liturgy, ritual and theology. Sachar is a doctrinaire secularist who seems wholly unaware that college campuses in 1993, including Hillel and other Jewish organizations, are far more preoccupied with prayer, religious experience and religious issues than they were in previous times. Although synagogue affiliation has increased dramatically since the 1930s (a threefold growth from 1930 to 1960), Shapiro dismisses this transformation as a purely social and secular phenomenon. It is all too easy to caricature suburban bar mitzvahs and bat mitzvahs while ignoring the adult classes in Talmud, Hebrew, biblical interpretation and Jewish history, especially those drawing large numbers of women, who were long excluded from such intellectual excitement.

The proliferation of adult study groups is related to the issue of intermarriage and conversion. The Myers family is unusual in having all their grandchildren brought up as Jews, but even Shapiro admits, albeit in negative language, that by the 1980s 20 percent of the gentile spouses in intermarriages were converting to Judaism and 25 percent of the children of non-converted spouses in mixed marriages were being raised as Jews. While he uses the examples of Marilyn Monroe and Elizabeth Taylor to ridicule the seriousness of spousal conversion, he refrains from mentioning that even in Reform congregations many converts devote a year or more to the study of Hebrew and Judaism. I myself know converts expert in Hebrew, halakah and Jewish history who belong to Orthodox congregations and would take considerable offense at Shapiro's statement that even the "small minority of converts [who] were attracted to Judaism," as opposed to the "vast majority" who simply desired to please a prospective Jewish spouse, "[lacked] any feeling for the ethnic or historical dimensions of Jewishness." The saddest thing about this essentially racial view of Jewishness is that it shuts off the only possible path for adaptation and survival—vigorous outreach programs to the children of Jews, to the 1.35 million gentile adults who live with Jews and to the estimated 3.5 million "core Jews" who are not affiliated with synagogues or other Jewish institutions.

In the midst of the Jewish debate over outreach and conversion, together with the guilt and the anguish over a waning sense of ethnicity, it is easy to lose sight of the extraordinary popularity of college courses in Judaic studies and of books on virtually every aspect of Judaica. Indeed, American Jewish history itself, a subject often ignored or marginalized in the past (as in the widely read, Israel-originated, 1,096-page *A History of the Jewish People*, edited by the late H. H. Ben-Sasson), is itself a great resource for study and contemplation, an incredible narrative of struggle, loss, adaptation, triumph and anxiety. The experience of the Jews in America provides an alternative to the Old World narrative of "ghetto-to-genocide" persecution. It has often been pointed out that American Jews, for all their masterful achievements in organization and philanthropy, have produced no Bubers, Heschels or Rosenzweigs; but perhaps the contrast between the two modes of historical experience will someday inspire profound theological reflection. Secularization, too, requires a spiritual understanding. •

Crowds and Power

By Herbert Muschamp

Making the Mummies Dance: Inside the Metropolitan Museum of Art by Thomas Hoving

(Simon and Schuster, 447 pp., $25)

Thomas Hoving's *Making the Mummies Dance* is essential reading for students and survivors of that dancing mummy of a decade, the 1960s. In his book *Popism*, Andy Warhol gave us "the Warhol '60s." *Making the Mummies Dance* presents the Hoving '60s. The two books would make a peerless boxed set. Both are compulsively readable firsthand testimonials to the spirit and the power of pop.

By 1967, when Hoving became director of the Metropolitan Museum of Art, pop art was over, but the pop sensibility was rampant. Its ruling principle was transposition. Instead of a place for everything, it demanded that everything be jerked out of place. The street went both ways: while the beer can, the soup can and the popsicle went from the supermarket to the art gallery, the art object was trucked out to the curb. In 1967 the city of New York began a program of what would later be called public art. In the waiting room at Grand Central Station, a mammoth sculpture by Chryssa flashed blue neon behind dark glass. Tony Rosenthal's *Alamo* went up at Astor Place, and the Seagram Building Plaza was host to Barnett Newman's *Broken Obelisk*.

The program included some fine works, but their impact was collective and urban. Each was a sign of some force that was displacing art from its usual habitat. Context was the important thing: not the object, but the space around it. This, too, was a transposition, a shift of emphasis from figure to ground. Art was now as much a matter of moving furniture as making things. If a place was not a traditional site for art, then you put art in it. If it was an art place, then you put something else there, or you took the art down, as Warhol did in 1966 for the opening of his show at Philadelphia's Institute for Contemporary Art.

The strategy of transposition required two poles, a north and a south, or, as they would later be called, a Hi and a Lo, and if the supermarket lay, metaphorically, at the low end of the axis, the Metropolitan Museum of Art surely dominated the high. No other cultural institution could boast such monumental staircases or such high flights of prestige. In the palatial iconography of its architecture, it was already a virtual pop icon, the Marilyn Monroe of art history, tempting and aloof. All it needed was someone who knew how to make it a star.

Hoving, a scholar in medieval art with a doctorate in art history from Princeton, knew a lot about context. As commissioner of what was then called the Department of Parks, Recreation and Cultural Affairs, Hoving's domain spanned the spheres of nature and cul-

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ture, and he became famous for events that collapsed the difference between them. "Hoving's Happenings," a sanitized, populist version of Alan Kaprow's downtown events of the early 1960s, had music lovers hanging from the trees.

Hoving grasped that the aesthetic of displacement held a social message, welcome to some, threatening to others. Pop tarts and superstars were expelling a regime of good taste and good breeding. Plastic and neon were supplanting mahogany and silver. Downtown discos were drowning out uptown balls. If the effect was not quite a social leveling, it was at least a new order of privilege, and New York's uptown mummies didn't want to feel left out of the dance. Hoving knew how to make the improper introductions. He was a gifted mismatchmaker, even in the construction of his own media persona: the hip patrician, the scholar with flair.

Hoving's book puts that persona on display with all the dubious sensationalism of his blockbuster shows. It's a scrapbook of gossip and press clips, a transcribed accoustiguide tour to the backstage intrigues behind the objects hanging on the walls. Unfortunately Hoving has only fleeting insight into the larger significance of his own tenure, but he demonstrates his intuitive grasp of the moment on which he set his seal.

Logically, Hoving made his zeitgeist debut at the Met with a pop painting, James Rosenquist's *F-111*, a billboard-sized painted collage of billboard-like images. The show introduced the museum's newly created department of contemporary art and announced its lifting of the ban on showing work by living artists. Logically, too, Hoving chose to present the work alongside a small group of history paintings from the museum's collection. "The art press gazed open-mouthed at the epic-sized *F-111*, the David, the Poussin and the Leutze and got very upset." Hoving was banking on that reaction. For this was not a show about a painting that depicted spaghetti, a jet plane and a girl under a hair dryer. It was a display of context, in which spaghetti, plane and hair dryer collided with Socrates, George Washington and the Sabine Women.

If the *F-111* show was a pop chapel, the notorious *Harlem on My Mind* show of 1969 was a zeitgeist cathedral. Not a display of art, this was a curatorial *gesamtkunstwerk* of photomurals, music and public relations. But this time the p.r. backfired. Black artists were enraged that the show included no paintings. A scandal erupted over a catalog essay by a black high school senior who wrote that black anti-Semitism "makes us feel more completely American in sharing a national prejudice." Paintings in the Met's collection were slashed. The city threatened to withdraw funding.

Again, the show obeyed the pop logic of transposition: it introduced images of the underclass into the citadel of the overclass. But the maneuver failed this time. What the transposition brought to mind was not Harlem, but limousine jaunts to the Cotton Club in the 1920s; it was actually a regression from those days, since the show offered an aestheticized substitute for a journey that really might have opened eyes and minds to less palatable images. While pop could effectively rearrange the symbols of the affluent society, it reduced more complex social realities to surface events.

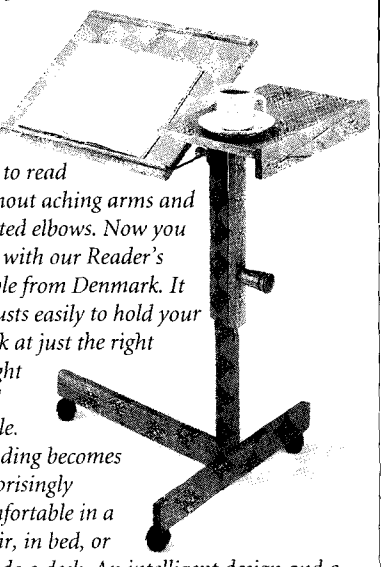
Ultimately, Hoving's mission of displacement could not be satisfied by the mere presentation of objects within the museum's walls. Inevitably, it led to the recasting of the walls themselves. Of all the controversies aroused during his tenure, none surpassed the fracas over the museum's plans to expand into Central Park. Turf is turf, parkland is scarce and those who opposed the expansion were right in principle, even if the expansion was not a great threat. (The adoption of a "voluntary" paid admissions policy was, I think, a more serious breach of contract between the museum and the public.)

But this supreme version of Hoving's Happenings was more than an enlargement. It was a reformation. The master plan sought to provide not just room but coherence, to impose a master narrative on the museum's holdings. In Hoving's account, this idea originated with Kevin Roche, the master plan's architect. "The most distressing aspect of the Metropolitan," Roche told Hoving at their first meeting,

> is that there's an appalling lack of continuity. A visitor can go from Egyptian art to Japanese armor without any indication that a civilization—and thousands of years—has changed. The Met is actually a bleeding mess; it's more an open storeroom than a series of public galleries. I would concentrate on solving that *lack of continuity*.

The aim of the master plan, in other words, was not just architectural. It was pedagogical. The plan would set forth a coherent view of the museum's holdings. It would clarify the hierarchy from which viewers could derive meanings and values. As Hoving recounts, Roche felt that he had to interrogate the museum before he could redesign it. "How many

Lay Down Your Arms



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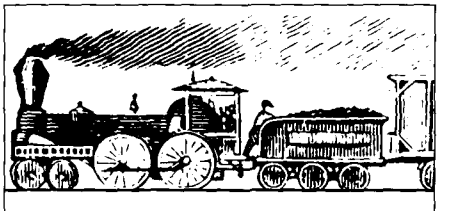

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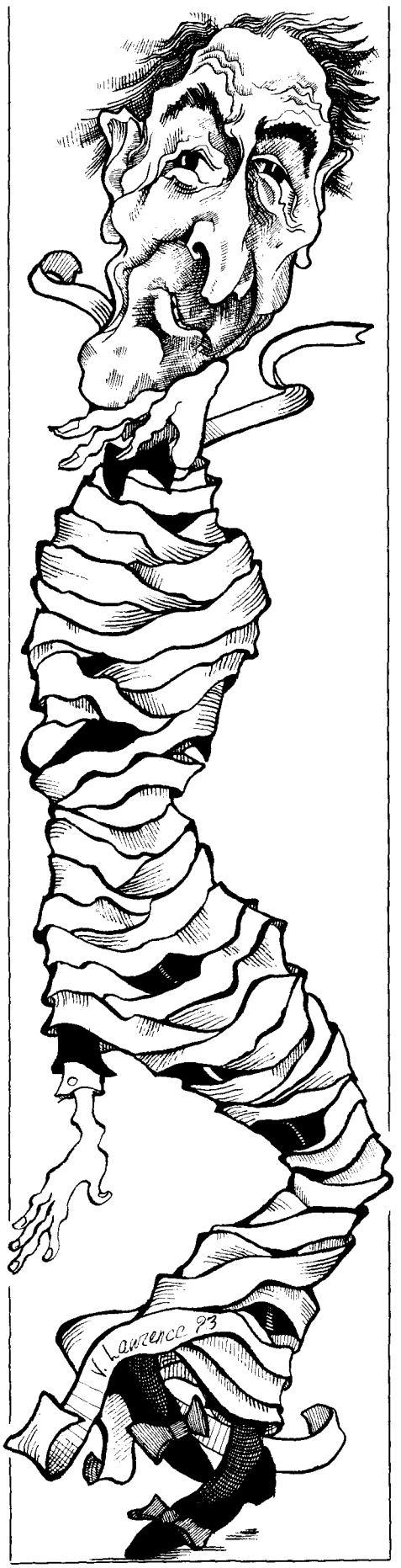
civilizations?" Roche wanted to know, "how many works of art? what were the finest and most important ones? were they the curatorially important ones? were they the 'emotional' ones?"

But the attempt to create a coherent view produced some strange results. For one thing, it put the museum itself into the picture. So long as the Met was content to be an "open storeroom" in the royal manner—a palace of treasures opened up for the edification of modern democracy—it sufficed to regard the museum as a neutral container. But as soon as it tried to bring the container's contents into a coherent relationship, it had to ask what they were doing there in the first place. That question brought the museum to confront its own image inside the frame.

That image is highly unstable. Museums are at once the champions of art—they stand for the historical elevation of merit over inherited privilege—and the enemies of art: they stand for the institutional authority that modern art has historically opposed. *F-111* represented only the most recent in a series of movements that challenged that authority. To make "continuity" from the Western art of modern times—realism, impressionism, cubism, dada, surrealism, abstract expressionism—was to assemble a parade of movements that emerged in the same epoch as the museum itself and challenged its authority to create such an assembly in the first place.

It is not quite fair, in other words, to accuse Hoving of a failure to protect the sanctity of the museum from corrosive pressures. Those pressures had been building up for some time from within the museum itself, from the art that was hanging on the walls before Hoving was born. In choosing to clarify the continuity of its holdings, the museum cast itself in the image of a citadel with an identity crisis: an institution whose function is to present a series of assaults on itself, mounted with increasing frequency until finally it is the museum that is carrying out the assault from within. In the end, the museum began to take on the role of the protagonist in some absurdist, first-person fiction who gradually comes to realize that he is narrating the story of his own liquidation.

In the Met's "liquidation," the collection of objects gave way to the collection of crowds. Hoving grasped that to acquire a crowd was, in a way, to acquire an artwork: a piece of pop art as significant as a roomful of Warhols. Or, rather, a room without Warhols. In *Popism*, Warhol famously describes how, when the paintings were removed for the opening of his first museum show in Philadelphia, the artist and his entourage were revealed as "the art incarnate." At Hoving's Met, the crowd of museum-goers became the art incarnate. They populated a picture of modern democracy, an image of people caught in the process of figuring out the delicate chemistry between populism and elitism, appreciating how each represents some essential ingredient in an unstable democratic mix.



That mix was not, of course, to everyone's taste. Many believe that in focusing on the crowds, Hoving betrayed the art. And even those who feel that he did well by art may be tempted to think that the hordes stampeding through the Met have been allowed to go too far: that their unruly presence must now be balanced by restoring a more scholarly approach to the art. Actually, what is needed now is a more scholarly approach to the crowds. What has long been missing at the Met is the means to convert the crowd into an audience.

The ingredients are there. Here, under one roof, lies a vast assembly of objects from almost every world culture. And here, on the doorstep, is an equally vast polyglot metropolis. No institution was ever better poised to foster understanding of today's emerging global culture. Hoving seems to have sensed this. In his efforts to revive the Met's role as an educational institution, he evidently understood that the city had as much to teach the museum as the museum had to teach the city. But he was not up to the task of forging a new curriculum. He brought the museum and the city into closer contact, without using their interaction to power the city and the museum toward a higher level of cultural understanding.

For that matter, Hoving had only limited comprehension of his own cultural transactions. It is fascinating to read his accounts of the trips he took—to Egypt, to Russia—to assemble the objects for his blockbuster shows. But it is also frustrating, because Hoving gives no sign of understanding that the expeditions served a more important function than to gather shiny things for crowds to gawk at: the shows, and Hoving's travels, were in themselves structural elements in the engineering of a global network. They were accelerated, jet-age versions of cultural diffusion. He treated these shows as connoisseurship. In fact, they were ethnology.

So, in a sense, was pop art. Though he was pop in his showmanship, Hoving missed pop's most important cultural implications. Pop art didn't just feed more objects into the category of art. It placed the category itself on view. Its chief value was not formal, it was taxonomic. It asked viewers to reflect on the criteria by which some objects are

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assigned to the category of art, while others are dispatched to design, commerce, science, politics, ethnography or religion. It created a chance to revive the contract between viewers and those who formulate the criteria and do the dispatching.

Hoving did not renegotiate the traditional terms of that contract. He regrets that he didn't push through his plan to tear down the Met's grand staircase. He does not regret having let stand the hierarchy of connoisseurship and art history embodied in its steps. He was content to entice the crowds up the stairs in order to consume culture. But he shrank back from the recognition that the museum and its audience together possessed the power, and in fact the obligation, to produce culture. He did not press his curators to meet the forces that his own vision of the museum had set in motion.

How many civilizations? Which are the most important works of art? Roche asked the right questions, but there was no need to create a master plan that imposed a coherent set of answers to them. Instead Hoving could have created a forum in which such questions could be pursued publicly, and in depth. Instead of imposing an ideal of coherence upon the museum's holdings, Hoving might have undertaken to explore how the museum, the city and the world became heirs to such a dangerously incoherent cultural heritage.

The Met could yet become such a forum. Its collections provide it with unparalleled opportunities not just to examine objects within the familiar contexts of geography, time and personality, but to set them into such relatively unfamiliar contexts as travel, war and trade. How many contacts were there between civilizations? What was the nature of those contacts? What is art's map? What are its trade routes? What do landscapes, idols, chalices and suits of armor show about the migration, coexistence, struggle, appropriation and mutual enrichment of ideas in a global arena? What is at stake for the city in the global stories that its leading cultural institution chooses to tell? Or fails to hear?

Such questions of reception and diffusion now lie well within art's compass. A large and growing body of scholarship is being brought to bear on them (some recent examples appear in *Exhibiting Cultures* and *Museums and Communities*, two anthologies published by Smithsonian Institution Press), and the enlistment of these ideas could open new pathways through the Met's collections. The choice is not between scholarly rigor and populist pandemonium. It is between embracing or refusing new forms of rigor that have the potential to engage audiences in something more constructive than crowd control, fashionable openings, admissions statistics and shopping. The task now is not to undo Hoving's excesses, but to use them as fuel to achieve the transposition that Hoving only half completed: from the Metropolitan Museum of Art to a museum of metropolitan art.

HERBERT MUSCHAMP, until recently TNR's architecture critic, is now the architecture critic for *The New York Times*.

The Lying Game

BY DAVID THOMSON

Behind the Oscar:
The Secret History of the Academy Awards
by Anthony Holden
(Simon and Schuster, 672 pp., $25)

Merchant of Dreams:
Louis B. Mayer, MGM and the Secret Hollywood
by Charles Higham
(Donald I. Fine, 488 pp., $25)

Alternate Oscars: One Critic's Defiant Choices for Best Picture, Actor, and Actress—From 1927 to the Present
by Danny Peary
(Delta, 325 pp., $18.95 paper)

Why so uneasy? Why so excited? It comes again, that anxious five o'clock in the afternoon, with arc light and early evening glow competing outside the Dorothy Chandler Pavilion in downtown Los Angeles: Oscars night, with limo gridlock and the-envelope-please suspense in our addled heads. Army Archerd, the veteran Hollywood journalist, will be checking the celebrities as they make their way inside. There's the shrill smile of Tom Cruise; and there are the teeth and the shades that can only be Jack Nicholson, every year a little more of a cartoon; and there are the dresses that test Heisenberg's Uncertainty Principle and contain some of Cher, Geena Davis or Daryl Hannah—and there, at least last year, was John McLaughlin, not just loitering but treadmilling to be noticed.

Maybe it's the mix of real light and fake light that is troubling, or the parade of tense stars. Stardom, after all, should be serene and destined; it requires the mighty mise-en-scène in which heavenly bodies never have to think about their orbits. Whatever it is, there's something about the hour before Oscar that leaves me queasy. Do today's movies really merit this huge if trivial occasion? Or am I just wistful for the old religion?

Suppose the Oscars came on dressed in night, with searchlights, like those grand romantic premieres they used to have. Suppose the stars stepped out of solid noir into the light. Then we could believe masses were watching from the dark (instead of just that gang of catty teenagers outside the Chandler), a mass that reached out as far as us. I want the Oscars to be a real show, with De Mille producing and Scorsese directing: a Steadicam tracking shot that takes you to your seat, next to all the fluff and shoulder of Kim Basinger (who will not do graphic sex, only artistic). I want it in black and white, with Demi Moore saying, "This is Mrs. Norman Maine ... give me your love, their money and gimme quick that little bronze man without a face!" She's not up this year? Wait until next year. She's in *Indecent Proposal*, a very upcoming film, great title—an American title. It'll be big, you wait and see. (Criticism must be pre-emptive these days.)

This year the Academy is giving out its awards for the sixty-fifth time. The 2,600 seats in the Chandler Pavilion will be

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filled, though many of the people there are hoping to be jerked out of those same seats, and some have scripts in their heads: *He stands . . . he marvels . . . he kisses whomever he decides is his date . . . he is for an instant lost, overwhelmed, unsure where to go, but then he perceives the stage and makes his way there, unsteady but committed. (Note: study John Wayne coming down the stairs at the 1978 awards and mix with Wayne striding through the cattle at the end of* Red River.*)* There are speeches of thanks written and rewritten. Yet most of the speeches will be immediately tedious and private. Few have the nerve to make soaring claims. So seven-man sound crews stand in line to thank the business, their families, their gods and everyone at CAA, while checking that their AIDS ribbons are the right way up.

No one has ever risked a true Oscar speech—the secret subtext. That would need a Kong-like invasion from the orchestra seats, a booting into oblivion of the cute twosome that has made the award, a brutal ravishing of the willow who bears the statuette, to be followed by wanton, grotesque and thoroughly embarrassing antics of exultation, rising to the animal cry, "Me! Me!," and the savagery that delights in seeing best friends lose. Riot and murder would follow. (Danny DeVito could pull it off.) There is something about getting your Oscar that deserves the primitive proprietorial stance of the biggest ape in the world holding Fay Wray. And why not a little blood, with so many watching?

Last year, according to Anthony Holden, 26.4 million American "homes" were watching Oscar. We are expected to be conversant with such numbers now: 28.4 rating, 48 share. That's another sign of the extent to which movies have gone from a passion to a calculation. American newspapers have space to spare for a weekly table of box-office returns. The man on the commuter train nods sagely on seeing *Bram Stoker's Dracula* drop off after its first big week. The man on the street can read the paper he's wrapped in for the night and appreciate how, after six nominations, *The Crying Game* would "break out" and "go wide," from 200 to 900 theaters. Miramax, the company releasing *The Crying Game*, asked journalists not to say too much (or too little) about *The Crying Game*, and it is now cleaning up in 1,000 theaters. ("We got everything we hoped for," says Bob Weinstein, co-chairman of Miramax.) These days honest ticket-buyers have to make heroes of Jeffrey Katzenberg, Barry Diller and Michael Ovitz. This is not a well society.

When a picture as dark as *The Crying Game* is doing top-five box office, the business of pictures has become very unpredictable. (This is, after all, a movie that employs full-frontal nudity as a plot point.) Oscars night is, ostensibly, the evening when the business invites the public to prize-giving, and even if we don't agree with every decision, we become accomplices in the notion that moviemakers deserve reward and love, beyond money—or excusing the money. But the truth is that Oscars night is so uncertain in its tone because Hollywood hardly knows what works, or who wants movies, or why.

Hollywood likes to think of itself as a big business, but few alive and working know the old confidence, which began leaking out of Hollywood in the late 1940s. This year, and last year, pictures will have sold about a billion tickets in America. In the late '20s, when the Academy was founded, five times as many tickets were sold to a population of about 120 million. If, in 1993, the movies can still get away with being called a mass medium, in 1927 they could have been called a Mass.

The most interesting part of Holden's medley of anecdote and trivia is the story of how the Academy came into being in that era of faith. The Academy was a stroke of public relations, an attempt to detoxify power and money with self-justification and lofty public spirit. Holden tells all the available stories about how the statuette came to be called Oscar, but he neglects the extraordinary chutzpah that resulted in that portentous phrase, "the Academy of Motion Picture Arts and Sciences."

Only a Louis B. Mayer could have filled one breath with so many pretensions without a giggle or a blush—but that was Mayer's humorless genius. His life has now been told with great thoroughness and a valiant attempt at rehabilitation by Charles Higham, whose research is invaluable, though sometimes Higham has to look vigorously aside to miss the monstrousness of his subject. Mayer was paranoid, power-mad and explosively self-righteous. He lectured the world about decent family entertainment, yet tyrannized his own family in a manner fit for Corleones. (No group of people ever had deeper respect for the Mafia than movie chieftains.) But Mayer played all his faults as virtues, or as pretexts for acting; he was said to be the greatest, or the most chronic, actor on the MGM lot. This does not mean that he lied, or even that he was a hypocrite. No, Mayer turned every situation into a scenario. That's how he dreamed up the Academy.

That particular inspiration struck him at a small lunch party on January 1, 1927. Within two weeks thirty-six luminaries dined at the Ambassador Hotel as founder-members. Articles of incorporation and a legal charter followed, and by June there was issued a statement of aims. The Academy promised harmony and solidarity; aggressive actions to meet outside attacks; technical improvement and a squeaky clean image. And, if any homily had been forgotten: "In a word, the Academy proposes to do for the motion picture profession in all its branches what other great national and international bodies have done for other arts and sciences and industries."

These tablets of stone did not fall from above; they might as well have come from a schoolboy's manual on how to form a club. Mayer's Hollywood faced serious attempts at unionization in 1927. The crafts and the skills in magic were seeking a better deal. They had as yet no thought of claiming a part of the action, the profits, and they could not guess that pictures would never again be as profitable as they were in the '20s (or taxes so puny). There remained scandals about lavishly paid stars who had behaved badly. There were drug sensations and suicides, adulteries and affairs, and probably a good 10 percent of the sordid truth was hitting the prints. As yet Americans persisted with the innocence that thought itself offended by such reports of idols and icons; it is only in the last thirty years that we have come to admit relish, a certain vengeance even. There is a secret thrill in watching the downfall of the mighty.

But Mayer and his cronies sought an organization that would deflect union powers and reassure the public about the wholesomeness of pictures. Long before Michael Medved wrote *Hollywood vs. America*, teachers, preachers, moral guardians, elected representatives and those who had failed in Hollywood were crying wolf over the wicked thrill in movies. Pictures were said to mislead and to inflame youth, to spread moral laxity, to erode traditional values. It was all true, and it still is. We *know*, sitting there in the dark, that *Basic Instinct* or *The Terminator* is undermining. That's why we're there! This is America, and many of us intend to exercise our ruinous fantasies as fully as possible.

I address the matter with a show of irony; but filmgoers now enter the dark just as skeptical and smartass. How else did *The Silence of the Lambs* win best picture in the year of Jeffrey Dahmer? And how did that film make us feel a tender, paternal regard in Lecter for Clarisse, or have us urge the cannibal on as he pursues dinner at the end of the film? Most of us reckon now that movies are as camp

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and jokey as clever commercials (and there are other resemblances). Movies are no longer as romantic or secure as, say, *Gone with the Wind, Casablanca, King Kong, Stagecoach, Bambi* or *Singin' in the Rain*. Nobody makes movies like that anymore because no audience believes in those story conventions anymore. David Selznick stooped to any lie or trick in making *Gone with the Wind*, but he wept when its audience wept, and those tears washed away the disorder of the film's making. If we have any experience that comes close to that rapture, it is shopping.

Selznick and Mayer were alike in thinking that the principles of the Academy were noble and valuable. They were desperate to be hailed as worthy Americans purveying profit, uplift and thinking-well-of-yourself. Ronald Reagan may have been the last devout figure of that kind: Academy man, Homo Academicus. He spoke of America as "the greatest nation on earth" with the very same gravity and carelessness that the Academy uses to pick a best film of the year. It is the spirit that treats history as a game.

Mayer was born in Russia; he came from a tough world without much education. Yet he was a type hooked on making it all the way—so he tried to turn his astonishing advance into a model. This was a way of leaving ordinary failure to free enterprise. Let every American be Herbert Hoover's pal, the highest paid executive in the land, father of fathers, with the best family in the world. Put every American on a stamp—you see how close Mayer was to Warhol in his foolish, romantic assertions. The immigrant wanted to feel at home, and the Academy was a safe haven for dreamers. Mayer and Selznick even had studios that looked like academies: Greek columns, Georgian facades, unrelieved contentment. They wanted the screen to be bright and holy; and they hoped to make its allure of transformation an ultimate metaphor for self-help. (Of course, Mayer was also ruthless and sleepless against anyone who might usurp his actual power. His talk was all advertising for people he had no intention of knowing.)

Decades later the woefully glorious Sally Field (a two-time Oscar winner, with Garbo 0, Dietrich 0, Buster Keaton 0, Cary Grant 0 and so on) burst out with one of the best remembered cries of all Oscar evenings. She had just won again, for *Places in the Heart*, and she spoke not just from her own but also from the rubbery heart of Mr. Mayer: "I can't deny the fact that you like me. Right now you really *like* me!" ("Right now" was the Hollywood giveaway.) Hollywood people do too much for that sense of being loved—and they may have passed the need on to politicians, and to us. Movies recommend love the way capitalism seeks profits; and the stress on romance is more potent and perilous than the use of violence. Film people want the dreadful and

"Camille Monet sur son lit de mort"

(for Jackie)

1

Not a picturing. Unclosing landscape
Of disorder: unreadable beneath
The furor of paint, a purely human image
Swims through the scumbled surface of unbeing,
The eyebrows lost in absence. The bluish curve
Of her faint, drawn lips; the bluish glint of her teeth.
Cascading, matted through the loose folds
Of her shroud, the momentary hues of death
Sweep out in nameless energies into
The slippery nuances of reverie:
Blunted silvers, rose and gold dragged clear
Across the flow of canvas. Holding a handful
Of withered violets in an unseen hand.

2

When forty years had passed—in his garden
Slashing stroke by stroke into the dark
Of cataract—he still held one reproach
Against himself. He said: "Nothing is
More natural than the urge to record one last
Image of a person departing this life. . . . "
But nothing could blur the stabbing, recurrent
Memory of his eye as it "searched for
The arrangement of color gradations that death was imposing
On her motionless face. Blue, yellow, gray,
Who knows what else? That was the point I had reached."
It was the last in the series of Camilles—
La femme with the parasol, or in the green
Silk dress; *au bord de l'eau* or *au jardin*—
But this time she has slipped past, into the lighted
Immaterial atmosphere of the bedclothes,
Floating beyond the fine inflections of pain.
This time she slips beyond his streaming skeins
Of paint, her faintly transfixed smile of death
Like a merely spectral scrawl in space, as if,
In the dawn's soft loosening, he tried to wake,
And could not see, and reached for a vanishing dream.

3

Like a coda to the years you clawed death back,
You tried to die four days before you could—
But then found the slim way through. Unsustaining,
Unsustained, your ravished heart sped on
Four days past air and water, breath and blood,
Your face exhausted, drawn, magnificent.
In the moments after, each of us gazed at you
With a nearly unearthly hunger. Frozen blue
In the predawn sky, the lawns of the cul-de-sac
Were framed by the bedside window, and I could see
The stars above, sharp flicks of stars that shimmered
As if in chills of wind. As gently as
I could, I lay beside you, took your hand,
And let your warmth pass slowly into me.

MICHAEL WHITE

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demeaning practice of filmmaking to be made clean. They doubt the U.N., but they believe in a world united in the love of E.T. or Arnold Schwarzenegger.

So on March 29 drums will roll, lights will dim and Billy Crystal will crack some jokes. Like most of our movies now, he will kid the show and offer a watercolor image of the whoriness he knows we know about. He may have something sharp on Al Pacino's blindness, or Madonna's visibility, or Sharon Stone crossing her legs and becoming immortal or the flop left by his own *Mr. Saturday Night*. And there is Jaye Davidson to say something about; he could win an Oscar for *The Crying Game* just so the Academy and the world can see what he decides to look like.

It makes a strange show nowadays, going on far too long ... so people may grumble about its length (and so that the Academy can make the financial killing that supports its other operations). The Oscars will be seen by the odd billion or so, and voted on by—the public? the business? the world? No, just 5,000 members of the Academy, all of whom can vote in all major categories, after nominations have been made in a category by members of that branch. The 5,000 are select; they tend to be elderly, retired and conservative. Some of them can't get out to vote; and hopeful productions send them videocassettes. But voters don't have to see the movies. Nor are the tallies reported. (Though there have been ties. Did Katharine Hepburn and Barbra Streisand really get the same number of votes in 1969? Or were they tied winners out of sentiment?) Are the ballots kept? Are they in the Academy Library, that place of real value and workmanship, a growing collection of papers that quietly undo some of the Academy's high-minded aims?

The decisions are not meant to be just or reasonable; that's why people get so vexed over them. It is said that to be nominated is honor enough, but that is slick talk, the beginning of the statistics of humiliation: Richard Burton and Peter O'Toole lost seven times; Steven Spielberg has lost three times as director and four times for best picture. A few talents have opted out—George C. Scott with *Patton*. But Scott still won, and no one can help from running. Many winners have been bashful on seeing the grief of the losers. Glenda Jackson, another two-time winner (since voted into the House of Commons), said: "I felt disgusted, as though I was watching a public hanging. No one should have a chance to see so much desire, so much need for a prize, and so much pain when not given [it]."

Danny Peary's entertaining book reawards the main Oscars and argues why. He would have *The Wizard of Oz* instead of *Gone with the Wind* as best picture for 1939, and *Citizen Kane* instead of *How Green Was My Valley* for 1941. Such debates leave one nostalgic for past riches. Peary *really* pricks one's sense of history when he asks why not Louise Brooks in *Pandora's Box*, instead of Norma Shearer in *The Divorcee*, as best actress for 1929-30? It's a nice game for a short flight. But Peary's revisionism underlines the arbitrariness of all Oscars, winners and losers. The moment a decision is announced, the news goes stale. A year later the glory has become trivia.

Winning has made a few careers; but nominations and victories do far more to boost a film in the slow early months of the year. Players need a run of success to get a steady higher price. There are plenty of dark horse winners who did not hold the light—Luise Rainer (two years in a row, for *The Great Ziegfeld* and *The Good Earth*), Louise Fletcher, Ben Kingsley, Marlee Matlin and even Robert Duvall (best actor for *Tender Mercies*, and too good an actor to play leading roles). People win for so many wayward reasons: because they are playing someone of acute emotional appeal, handicapped, very poor or very rich; because a film lands with enough force to clear the ground; to stop someone else from winning; whim; or (as last year, with Jack Palance) because Hollywood realized that someone unique and even bizarre is still there, still trying. Clint Eastwood may win something this year for service, modesty and persistence.

The Brits could win all the big awards again this time. I'm not voting, let alone predicting. If I could, I'd have made Cynda Williams best actress in *One False Move*, but American independent projects like that fare less well with the Academy than British films. It's in voting British that the Academy clings to humbug prestige, production values, speaking nicely and guilt about the kind of subjects that Hollywood won't risk. In the history of Oscar, Britain has won best picture six times (all since 1948), best actress eight times and best actor thirteen times (three in a row before this year). Whereas Al Pacino has never won—but he's so wildly miscast this year (and handicapped!) that he has a good shot at it. The public has decided that it loves him.

There is cowardice in the Anglophilia. It marks a fear of "unbusinesslike" ways gaining ground in America. *Citizen Kane* was the first independent American picture, no matter that it was made in Los Angeles. But the very best American movies often do poorly with Oscar. Last year the British movie magazine *Sight and Sound* asked critics and directors from all over the world to vote on the best films ever made. Of the top ten, America had a healthy number: *Citizen Kane*, *Vertigo*, *Raging Bull*, *The Searchers*, *2001* (an American director, though made in Britain), *The Godfather*. Of those, only *The Godfather* got best picture. *Kane* won for screenplay; *Raging Bull* for De Niro. *Vertigo* and *The Searchers* got nothing. Peary would reaward best picture for 1956 to *The Searchers*. It went instead to *Around the World in 80 Days*. Mike Todd's film was lavish (the ads said), an event, a marvel; it's also fatuous and unwatchable now. *The Searchers*, by contrast, helped to redeem not just John Ford's career, but the whole racket called movies. *The Searchers* is not very plausible, and it is a good deal too racist; but it has the beautiful, mugging force of all the great American movies, like *E.T.* and *Poltergeist*—both beaten in 1982 by that solemn bore *Gandhi*.

I don't mean to propose that *Poltergeist* is high art or that *The Searchers* is as profound as Monument Valley. But Oscar has been squeamish over a certain type of American movie, a fantasy realized in a perfect story and burning imagery. These movies are not lifelike. They contain lies, demagogueries, all sorts of political incorrectness, as well as dangerous dreams and reckless desires. *Citizen Kane* may be as raw as *Poltergeist*, since it wants to believe that rich guys are sorrowful, misunderstood dreamboats. *The Godfather* sighs to us, suggesting that Michael Corleone could indeed look after us, that he is presidential, a man of order, who serves a good pasta at the family table. So let him sit in the dark alone, for he shoulders a great responsibility.

American pictures have a tradition of kids' wishful thinking dressed up as adult material. To be in a packed house with *Jaws*, *Bonnie and Clyde*, *Fatal Attraction* or *Some Like It Hot* was to feel a secret nerve being stirred. The best reason for mistrusting Oscar, then, is that the tackiness of the night is trying so hard to be polite and worthy of Mr. Mayer. It wants to domesticate the dark. We had better realize that the old dark is going—and that may be the surest death of movies. We will watch Oscar in the living room, with the lights on and hapless life sprawled all around us. These days that is also the way most of us will see the films that win and lose on March 29.

DAVID THOMSON is the author most recently of *Showman: The Life of David O. Selznick* (Knopf).

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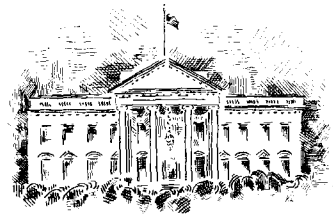
WASHINGTON DIARIST

My Sharona

ALL THOSE WHO FAULT BILL CLINton for wearing his heart on his sleeve should be assured he is not completely without shame. Recall how skillfully he managed to distance himself from his brother and mother during the campaign without seeming embarrassed. Roger Clinton, despite a few gratuitous citings by the then-candidate as a rehab poster boy, was surprisingly out of view during the campaign and has been since, especially when compared with his behavioral predecessor, Billy Carter. And Miss Virginia has, to all intents and purposes, gone underground, or at least permanently to the track. The first time I saw her picture it accompanied an October 1991 article in *New York* magazine. I feared her finger-length eyelashes and Sontagian coif would cost her son the nomination, but then we never laid eyes on her again, except for that glorious moment during the Democratic convention when the T.V. cameras managed to catch her falling out of her chair. Her lack of visibility may have aided her son's ascendancy, but it almost cost a friend of mine her job. She waitresses at a trendy Georgetown restaurant, where she was told by the bartender that a woman at one of her tables resembled Bill Clinton's mother. Unaware of what exactly this signified, she relayed the compliment to her party, who in turn complained vociferously to the maître d'. Dinner was on the house.

IF BILL CLINTON IS A MAN OF THE '90s who came of age in the '60s, his brother Roger is hopelessly '80s. His hair, his swagger, his shameless opportunism—all convey a lazy affinity for the decade, an era for which many of us harbor illicit fondness. *Early* '80s theme parties (the entire decade borders too closely on our current experience to be so smirkingly adored) are quite big (I took my Rubik's cube to one), and Patrick Nagel posters may soon be outselling Robert Doisneau once again at campus stationers. Maybe it was inevitable: the '90s have proved so far to be a period solely of nostalgia, and we've already run through celebrations of the '60s and kicky '70s. What was our trend-mongering culture to do—freeze in our Pumas at 1979, with the turntable on an endless groove of "My Sharona"?

THE RECORD I'M LISTENING TO most often these days is a compilation called *Freedom of Choice*, on which eighteen modern bands (nearly half of which are from North Carolina or Seattle, of course) pay tribute to the early '80s by covering the New Wave hits of Blondie, A Flock of Seagulls and Adam and the Ants. (I say modern because the marketing staff at MTV has yet to coin a viable term for what the record industry, some ten years ago, began to call "alternative." Alternative to what? "Progressive" fails for the same reasons. "Grunge," like "punk," "hip-hop" and "techno," at least makes an attempt at freshness and musical description but is a running joke among any band that actually plays music that could be described as such.) The album's jacket pictures a teenage girl with a ponytail running down the side of her head, drinking a Tab and talking on an ovoid telephone. The record's title recalls a 1980 Devo song and album of the same name, while its profits go to Planned Parenthood (how very '90s). Like the kids in most of these groups, I grew up on the same sounds. The original *Freedom of Choice*, in fact, was the first record I ever bought.



MY FAVORITE SOBRIQUET OF THE moment is Apple Computers' "BOB W."—a pet name the company's R&D team used while at work on a small Powerbook, a laptop computer that can also function as a desktop. It's an acronym for Best of Both Worlds. Last week *The New York Times* ran an article about companies returning to South Africa to do business; most of them are pursuing the ANC's approval for their ventures. Somewhere deep in the jump, the piece quoted an Apple distributor complaining that Apple had not been given the ANC go-ahead, while Microsoft—after seven years on the gray market—had gotten easy clearance. Frustrated, he said the last time he approached Nelson Mandela to ask about Apple's prospects, the ANC leader wanted to know why Apple had not yet delivered the 100 Powerbooks it had promised him as a gift. Nelson Mandela, apparently, is acquainted with the concept of BOB W.

THE POP-AS-PARODY MOVEMENT IS, of course, older than the generation that has lionized it. Its roots are shrouded in the mists of antiquity, around the (early-to-mid) '60s. Susan Sontag's "Notes on Camp" listed the outré Cuban singer La Lupe as a camp product. When camp's detached gaudiness is associated with contemporary pop, the tendency is to think of the intergender school—e.g., drag diva RuPaul, the B-52s and, increasingly, Michael Jackson. But anti-fashion grunge acts, in paeans to the '80s and elsewhere, achieve much the same effect. The perversity of most grunge lies in its coy, secondhand embrace of '70s dinosaur rock, mocking stadium-pose clichés. And as these angel-headed hipsters flirt with their own cynicism, the joke quickly wears thin. Unlike its ancestor, punk, to which the intended response was shock, grunge elicits little more than a knowing wink. To the deranged monologues of a true punk like Jim Morrison or even Sid Vicious there was a larger-than-life quality that today's bands seem able only to lampoon. In contrast the Japanese post-punk band Shonen Knife, three geisha girls in Mondrian dresses who sing about chocolate bars and animals at the zoo, is popular with the same audiences and succeeds because its campiness is entirely unintended. It's the difference between what Sontag described as the grand exaggeration of pure camp and the passionless, safely intentional preciosity of pseudo-camp, which is, at best, merely chic. And she said that in 1964.

THOSE WHO LIVE IN GENERATIONS die by generations. Not long ago I chanced to see Ween, another meta-rock group, perform at Washington's 9:30 club. The duo claims to have spent its formative years inhaling Scotchguard by the can. In not just their posturings but their very songs, one can hear the pallid insincerity, by way of a mix that colonizes most of popular music's worst genres—from mariachi to bloated (late-'70s) glamour rock—each manifested as an outpouring of suburban misery. The camp did not seem wasted on the suburban crowd, whose average age hovered around 17. I too delighted in Ween's performance and sensed a glow in the audience, warmly bouncing off the people around me. But at the smell of burning flannel I realized the heat came not from a surge of generational energy but from my shirttail, accidentally set on fire by a girl in braces standing behind me. Lighting the first cigarette of one's life can be tricky.

ERIC KONIGSBERG

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